

# DOCUMENTS DE TRAVAIL **242**

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## **European rainbow families in the making: practices, norms and the law**

**Marie Digoix, Marina Franchi, José Ignacio Pichardo Galán,  
Giulia Selmi, Matias de Stéfano Barbero,  
Matthias Thibeaud, and Jose A. M. Vela**

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# **European rainbow families in the making: practices, norms and the law**

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Le présent volume réunit quatre rapports nationaux sur la situation des homo-bi-trans-sexuel-le-s élaborés à partir d'une enquête par entretiens réalisée en 2015 en France, Islande, Italie et Espagne. Cette étude a pris corps dans le projet européen FamiliesAndSocieties<sup>1</sup>.

La recherche s'est concentrée sur la manière dont les homo-bi-trans-sexuel-le-s appréhendaient la vie quotidienne, la reconnaissance légale –ou son absence- des relations entre les couples et son impact sur les liens personnels et les projets parentaux. Le choix des pays questionnait les modalités juridiques et les comportements des individus selon les structures légales et les contextes nationaux dans lesquelles ils évoluaient.

Les entretiens semi-directifs ont été menées dans chaque pays selon un guide établi par les quatre équipes nationales dans une perspective comparative. Les rapports nationaux ont suivi une thématique identique pour permettre la comparaison qui a été effectuée dans un rapport remis à l'Union européenne<sup>2</sup>

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<sup>2</sup> Digoix, M., Franchi, M. Pichardo Galán, J.I., Selmi, G., De Stéfano Barbero, M., Thibaud, M., and Vela, J.A.M. (2016). "Sexual orientation, family and kinship in France, Iceland, Italy and Spain". *FamiliesAndSocieties Working Papers Series 54*, 33 p.

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# FRANCE

Matthias Thibeaud



*Toulouse Gay Pride 2011 (Credits: Guillaume Paumier)*

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## **1. Country context**

During the past decades the position of homosexuals in French society has improved in terms of legal and social recognition. The national legislation discriminating sexual majority for homosexual relationships, introduced under the Vichy regime (1940-1944), was abolished in 1982. Homosexuality was decriminalized and removed from the Diagnostic and Statistical Manual of Mental Disorder (DSM) in 1973, and from the World Health Organization (WHO)'s International Classification of Diseases (ICD) in 1992. Both changes contributed to improve the way society perceives sexual practices, giving increased visibility to lesbians and gays, and offering them the opportunity to live more openly. The law on same-sex partnership (PaCS) adopted in 1999 was a first step in the direction of legal recognition of homosexual conjugality. It was not until 2013 that the marriage law was amended, allowing same-sex couples to marry and adopt.

A growing social tolerance towards homosexuality went hand in hand with judicial improvements, as evidenced by the latest major survey on sexuality in France (Bajos, Beltzer, 2008). However, the level of acceptance differs within society. Women, young people or citizens with a higher education level tend to be more tolerant and accepting. As for same-sex parenting it is still subject to discrimination. Although French society is not as divided as the media coverage and the repetitive and massive anti gay-marriage street demonstrations of 2013 had suggested. The survey "Context of Sexuality in France" (CSF) shows that 53% of women and 46% of men accept the idea that two women can raise a child together. A percentage lowering to 46% and 34% in the case of two men. The underlying social logic on gay-parenting is the same than for homosexuality's tolerance, but is enhanced by the strong gendered representations that shape motherhood.

The difficulty to clearly define sexual orientation makes it uneasy to analyze the composition of the homosexual population (Festy, Cortina, 2014). According to the CSF survey, 4% of men and women, aged between 18 and 69, do admit a relationship or a sexual experience with a same-sex partner. However, such a number does not allow to identify key elements like the frequency or multiplicity of a same-sex partner. If a statistical compilation of gay couples and homo-parental families seem easier, it raises significant methodological and theoretical

uncertainties. From the census, only 1% of the total number of couples is estimated to be same-sex couples (Digoix, Festy, Garnier, 2004). Based on this percentage, Festy estimates that between 24000 and 40000 children are living with a same-sex couple. The vast majority living with a couple of women (Festy, 2006). That said, this estimation applies only to same-sex couples who are living together. No numbering has been done for Living Apart Together (LAT) couples, and for children living elsewhere with another parent (Rault, 2009).

The research takes place in this national context, developing a qualitative analysis. The aim is to explore how homosexuals are living their sexual difference within French legal and social environment.

## **2. Methodology and sampling**

Our sample of interviewees was not aiming at full representativeness. In a comprehensive approach, we are simply analyzing the retelling of experiences from a diverse population. The idea is being to have a wide variety of interviewees, as far as sex, living place, relationship status (single, civil union couple, married, divorced, cohabiting or not). A diversity that also reflects their different parental status (with or without children, adoption, sperm donor, in-vitro fertilization, surrogacy, heterosexual ex-relationship, one-two-multi parents family). And finally, their level of education, job status, and gay militancy.

The study was made with 2 successive waves of interviews. The first one in 2014 focused on the issue of homosexual conjugality. The second one, in 2015, on same-sex parenting. Our final sample includes 40 people. A total of 26 interviews have been led, including 14 with both members of the couple present. It contains more men than women (chart 1) and presents a relative diversity in terms of place of residence (chart 2) and in terms of conjugal and parental configurations (chart 3), but with only one single case of adoption. Most interviewees belong to the upper-class and have a university degree. A homogeneity that probably stems from the recruitment's method, but that also manifests certain characteristics related to the studied gay population. Indeed, the CSF survey shows that graduates, of all generations, are more likely to voice their homosexual or bisexual practices. Besides, it seems one needs to have a higher socio-cultural status to be able to go through homo-parenting. Indeed, because of the remaining social hurdles and social



disapprobation, homo-parenting still requires significant economic, cultural and militant resources.

**Chart n°1: Respondents by age group**

Sex/Age	18-29 years old	30-49 years old	50+ years old	Total
Female	2	7	3	12
Male	8	17	3	28
<b>Total</b>	10	24	6	40

**Chart n°2: Respondents by place of residence**

Sex/Place of residence	Paris suburbs	Cities	Countryside	Total
Female		8	4	12
Male	17	8	3	28
<b>Total</b>	17	16	7	40

**Chart n°3: Respondents by marital and parental statuses**

Marital status/parental status	Without children	ART	Surrogacy	Adoption	Co-parentality	Previous heterosexual relation	Total
Single	2				1		3
Cohabitant	5	2		1		1	9
PaCS	6				1		7
Married	7	5	4		1		17
Divorced/widow		2	1			1	4
<b>Total</b>	20	9	5	1	3	2	40

### **3. Acceptance, coming out and visibility**

The issue of visibility is at the center of the second set of interviews, made in 2015. This study focuses on the self-realization of homosexuality, personal acceptance and coming out to one's entourage.

### **3.1. Self coming out and self acceptance**

For most of the interviewees, the “discovery” of their difference occurred at the end of adolescence or the beginning of adulthood. Often in high school or at the university. The understanding of one’s sexual-orientation is not easy to analyze, as it does not happen at a specific moment, and is often “rebuilt” retrospectively. The “biographical illusion” (Bourdieu, 1994) is quite visible here. The interviewees opting for a linear recollection of anecdotes. Their meaning and logic retrospectively formulated. Homosexuality is not “discovered” overnight, and is more of an issue of accumulated sexual experiments (although they might not be seen as gay relationship at the time).

It took a while for 36 year-old Laurent to recognize his preferences: “*It was very present in my mind, without being really formulated or accepted*”. For others, like Jacques, 47, the hetero/homosexual categorizations never really made sense: “*I would say that, today, I would mostly define myself, sexually, as a gay man. But it does not prevent me from desiring women*”. Acceptance is more or less easy, depending on one’s environment. 57 year-old Catherine grew up in a small rural town: “*I did not talk much about it. Actually, I think I felt quite uneasy about it [...]*”. Younger interviewees seem to have had less difficulty accepting their homosexuality. The growing numbers of role models in society undoubtedly contributing to facilitate self-acceptance. 25 year-old Guillaume talked about the key role played by internet, especially through gay-dating websites, regarding his self-acceptance. Being gay in high school was difficult for him. The situation improved at the university.

In our sample, four interviewees had a long relationship with an opposite-sex lover, before turning to homo-conjugality. Bernard, 47, Yves, 44, and Emmanuel, 37, all had children with their former female partner. Lydiane decided to ignore her desire for women and marry a man. A choice made out of hetero-normative family pressure, especially from her mother. Sometimes, the realization coincides with a personal trauma. For Bernard, it was the death of his father: “*Homosexuality fell on me in 2001, when my dad passed away [...]* *When it happened, my life collapsed. I went into a grave depression. It was not easy to deal with it*”. His ex-wife provided

him with valuable support. Bernard finally met Bertrand, his partner, with whom he moved in. For both Emmanuel and Yves, the break-up with their wife led them to reconsider their sexual orientation. The relationship with their ex-wife was not always easy, but they managed alternative custody of the children. That said, Yves mentions how mutual friends turned away from him after the break-up, embarrassed by his new sexuality.

### ***3.2. Coming out to closest relatives***

Homosexuality's self-discovery and acceptance are followed, for most interviewees, by coming out to their close entourage. Coming-out, which often occurs between the age of 18 and 25, is mentioned as a decisive step in their life. It can be triggered by some questioning from the relatives, as in the case of Alexandre, 26. Or a desire to clarify the situation: Laurent, 36, who considers that his coming-out was "*inevitable*", "*A road one must take if you want to keep on living*". On the opposite spectrum, homosexuality can remain silent, or at least never verbalized. That is the case of 46 year- old Martin. He meets Michel at 32, but their relationship is never explained to his parents, even though they sometimes visit Martin's family together. It is only a decade after, when the couple buys a house, that Martin's parents face reality. In some other cases, being a couple may be a prerequisite to coming out, as it softens the homosexual stigma for the entourage. It is the case for Gilles, 40, who came out to his family when he fell in love for the first time. Or Jacques, 47, with his first serious relationship. Here, we may notice a generation effect: interviewees under 30 say they had less difficulty to talk about their homosexuality to their families. A situation that can be explained by a more tolerant -legally and socially- context.

If voicing out homosexuality to friends does not really present any challenge, coming out to families may create problems. Depending on the family, it sometimes generated anger and rejection from parents. For instance, Alexandre, 26. Or for Lydiane generating a painful emotional blackmail from her mother. She did not accept Lydiane's sexual orientation and even went as far as: "*trying to end her life, so that I finally understand that this was not the right way for me*". Lydiane marries a man, before leaving him for Laura: "*Therefore I "convinced" myself, and did what was expected from me [...] Except it didn't last because it was not my way*".

Her stepfather plays a key role, facilitating the acceptance of her homosexuality by her mother. Such extreme situations remain nonetheless uncommon for the majority of the interviewees. If the parents need some time to accept the sexual orientation of their child, which is often associated with the end of becoming grand parents, and the fear of what people might say, the distancing fades over time. That said, homosexuality is rarely mentioned without embarrassment, and often remains unspoken in most families. This is the case for Christine, 42: *“It was never mentioned again [...] It was accepted but not acknowledged after that”*. Or Thomas, 37. For the interviewees who had already made their coming-out, being in a couple-relationship, or being parents, facilitated acceptance. As for Catherine, 57: *“In fact, I think it is when I started being with Christine that we became much more open about it [in my family], addressing the issue”*. For Lydiane’s mother, the arrival of a baby also facilitated the acceptance of her daughter’s sexuality and her relationship with Lydiane’s partner, Laure.

### **3.3. Visibility at work**

Being openly gay in a working environment can create some difficulties. For Régine, a teacher - who is a co-parent with her female partner and Alexandre - her coming-out initially prevented her from accessing the top management level of her school, a post she was the only candidate for: *“A more or less openly lesbian headmaster would make waves”*. After a first refusal from the educational authority, she finally got the job, with some help from a trade-union. In a working environment, latent homophobia -through blocking or avoidance- may occur. Bertrand, 55, went through it in the big corporation he was working for in the late 90’s. Ironically, his long shunning ended with the arrival of his first son, born from surrogacy in the United States, with his former male lover. The baby terminated the presumption of homosexuality: *“[colleagues] told me ‘You see, it was embarrassing not to have lunch with you, but there were rumors you were gay’ or ‘Since some people said you were a fag, we could not be seen with you’. What a joke. It really cracked me up”*.

In some professions, being openly gay is easier. It is the case of Jacques, 47, who is a singer and an actor. Or Gilles, 40, who works as head of public relations in a theatre. For other interviewees, like Lydiane, a teacher, or for Christine, 42, a high

level social worker, homosexuality must remain in the private sphere: *“At work, you do like everyone else. One does not display his or her homo or heterosexuality”* (Christine). To be openly out in the workplace can be seen as a form of transgression by some colleagues. Yves, 44, mentions the difficulties he had, at the university where he is teaching: after alerting his colleagues about the stigma carried by one of his gay student, Yves was accused by his teachers’ team to *“come on too strong about his own sexuality”*.

#### **4. Homosexual conjugality**

The issue of conjugal homosexuality is raising specific issues that need to be addressed. This topic is at the center of the first set of interviews, focusing on how gay couples perceive marriage. Homosexual conjugality is also present in the second set of interviews, which is addressing the issue of gay parenting. In both cases, the goal is to better apprehend the meaning given by the interviewees to the concept of conjugality. More specifically, the way they are using – or not using – the current legal system. The legalization of civil union (PaCS) and same-sex marriage has opened new possibilities regarding living options as a gay couple. Tamara, 24, states it that way: *“Before coming out, I kept telling my parents that I would not marry, bear no child, because being a lesbian was, in my mind, linked to... well, I was blocked (...) But actually, I’m like many people. I want to get married and have kids. It seems normal to me, but that’s also because it’s legal now”*.

Today, gay couples can choose between 3 options: no legal structure, civil union or marriage.

##### **4.1. Non-statutory couple**

Among the study, 9 couples had no legal status (in 4 cases, both members of these couples were interviewed). All non-PaCSed, non-married couples lived together, except for Yves, 44, FR who does not share a place with his lover.

The lack of a legal status can be explained by the early stage of their couple life. Magalie, 34, has just moved in with her lover, that she met a year ago, and has no intention to legalize her relationship. A situation akin to Emmanuel, 37, and Eric, 27, or Christian, 32, and Clément, 50, both couples being together for less than 18

months. Jules, 26, may have been in a relationship for 4 years, but sees himself as still young to institutionalize his situation, through PaCS or marriage. Not to mention the fact that it would jeopardize the welfare advantages coming from his boyfriend's student status. The reduction of social benefits is also mentioned by Christine, 42, and Catherine, 57, to explain the interruption of their civil union, i.e: Catherine's daughter (born from a previous same- sex relationship) was, in a non-statutory configuration, entitled to higher resources as a student.

Gilles, 40, living with his boyfriend for 6 years has no interest in an institutionalized status. To his eyes, a marriage is "an added burden", restraining his freedom. "*We both were for the right to marry, but that does not mean we want to it for ourselves*". Although they might get married later on, in order to adopt a child. As for a civil union, Gilles feels no need nor desire to have one. As for Yves, 44, who has been in a 2 years open-relationship with his partner, and does not live with him, he is not interested either in PaCS or a wedding. The legal options "*do not match (his) lifestyle*". His boyfriend may be increasingly involved in raising Yves' own children, (born from a former heterosexual relationship) but both do not wish to restrain their freedom and become a legal couple.

#### ***4.2. Couples in a civil union***

Within the study, 4 interviewed couples had a civil union. Among the married couples, 5 had been into a PaCS before their wedding.

The financial benefits linked to this institution are often mentioned to explain the choice of a civil union. For example, Irène, 43, and Isabelle, 40, are thinking about a PaCS in order to buy a house together. Thomas, 37, and Valentin, 39, are talking about "*quite materialistic motivations*" linked to the acquisition of an apartment, and financial benefits connected to a PaCS. For Eric, 27, who is into a non-institutionalized situation with Emmanuel, 37, a civil union comes down to a simple financial advantage. "*PaCS means red tape (...) A marriage is about love, PaCS isn't*". There is nonetheless a symbolic dimension about getting PaCS-ed. A civil union offers the opportunity to display one's commitment to his/her lover. It can also be used to publicize a relationship, through a party, with family and friends. In most cases, there is a ritualization of the process (Rault 2009). Despite a common

ground, all interviewees have a different perception of PaCS. The recent availability of same-sex marriage has changed the view over civil unions.

Perception differs between PaCS and marriage. The former has a “trial test” status for some of the interviewees. It is a necessary step in a couple’s life. Without diving straight into a marriage, which has its own much stronger and symbolic values. Jérémy, 27, and Julien, 25, are toying with the idea of marriage but do not want to “*rush it*”. A civil union is, in their eyes, a way to mature their relationship. The fact that half the married interviewees had previously been into a civil union tends to prove that PaCS is a “trial period”. That said, it is possible than – had same-sex marriage been available before – some couples would have bypassed PaCS altogether.

For some interviewees, a civil union is not a road to gay wedding but an alternative to marriage. Fabrice, 35, and Francis, 41, show no desire to marry, since it is seen as a legal structure aimed at families. “*Considering we don’t want children, we can’t see the point of being married*”. PaCS which focuses solely on a couple’s status seems just fine for their lifestyle. Thomas, 37, shares this opinion, as he sees some gay couple’s specificity in PaCS. A gay angle marriage does not have, as it somehow kowtows to heterosexual norms: “*For me, gay life must stay away from heterosexual clichés (...) Why marry?*” A civil union can be a general agreement between two parties who do not share the same view over marriage, like Isabelle, 40, and Irène, 43. A civil union officializes they relationship (for Isabelle, who wants to marry) while allowing some freedom (for Irène, who refuses “*to be tied up*”).

Finally, the situation of Philippe, 43, must be noted: while single, he has given birth and is co- parenting two children, with a heterosexual female friend, who is single too. They all live together under the same roof, and have opted for a civil union. They see themselves as a “*parental community*” and PaCS, in their opinion, makes their daily life easier, especially in terms of expenses linked to raising children. PaCS is here strictly seen as a legal apparatus connected to parenthood, but not to conjugality. “*PaCS in its title is a solidarity pact. We cannot help showing solidarity. We have 2 children to raise, multiple obligations, moments to spend together. (...) For us, a civil union makes sense.*”

### **4.3. Opting for marriage**

Just as for a civil union, the choice of a marriage can be traced to financial advantages. That said, those benefits are never stated as the main reason. The symbolic value of a wedding being stronger than any tax advantage (often seen as a trivial matter). The desire to protect one's partner is a key element, as marriage offers a better defense than PaCS. Namely in terms of mutual protection (obligation of respect, help and assistance) and inheritance, if one of the partner dies. This is a chief concern among the older interviewees, who went through the harshest AIDS years in the 80's, and who have witnessed people falling into financial disarray, after the loss of their partner. This is the case of Luke, 47, or Gautier, 55, and Gabriel, 52. Marriage also means obtaining certain social rights not available through a civil union. For example, Tracy, 29, who is an American citizen, was able to receive a long-term visa in France, through her marital situation with Tamara, 24. It also facilitated her status as a so-called self-entrepreneur in France.

Often, interviewees are opting for a marriage when they become parents. A situation shared by Lucie, 33, Odile, 56, and Oriane, 52, Laurent, 36, Martin, 46, and Michel, 41, and Laure, 41 and Lydiane. Nonetheless the opening of adoption to gay married couples is not really the perfect answer to the multiplicity of homo-parental realities. The main advantage lies in the filiation aspect available to lesbian couples. More precisely, for children born through insemination with a sperm donor (SD) or via in-vitro fertilization (IVF) that took place abroad. The same-sex partner of the biological mother is now able to adopt the child, and become the official second mother. That said, Laure and Lydiane mention what a burden the adoption process can be. They had to build up quite a portfolio, consisting of 17 testimonies, from their entourage, and multiple pictures to fend off potential problems. The couple had to use a lawyer and a solicitor, for a total cost of 850 euros. Lydiane, especially, found the process taxing: *"We had to show how stable our relationship was, that I was present before the pregnancy, and that I was involved in this parental project (...) It was quite troublesome. Pretty invasive too."*

Marriage is not the solution to every complicated situation encountered by non-statutory mothers. For example, in the case of a separation. Magalie, 34, has



alternate care with her former lover, although her ex-partner has no legal rights over the children. *“Still, I’m not planning to wed my ex-lover so that she can adopt the girls (...). Today, the situation is as complicated as before. No adoption for the partner if she isn’t married to the mom. Basically, it’s a wedding or nothing.”* Marriage is here seen as a forced normative process. Going through a legal decision being the key to filiation and parenthood, even if the couple is separated. Gay fathers who have used surrogacy or co-parenting often opt for a marriage in order to include the non-statutory father, even if he actually does not have any legal right over the child<sup>3</sup>.

Marriage not only leads to social and economical benefits, but also offers a support in terms of identity. As for any heterosexual wedding, the process is a personal rite of passage, clearly stating a commitment to one another. It is a decisive step in a couple’s relationship. Each interviewee brings his/her special meaning to it. For example, Clément, 50, sees some religiosity in the process. There is also some status set to it. For Gabriel, 52, and Gautier, 55, marriage is a way to legitimate and improve their homosexual image, chiefly to their family. In their opinion, a wedding somehow puts off the usual negative clichés of being gay. Marriage can be used as a vehicle for social integration, via its official, legitimized status. It is also a reassuring tool, used in social encounters, as noted by Gautier: *“When I say “Here is my husband” (...) people are a bit startled at first, but it simplifies the situation. No need to say “He’s my partner”, “He’s my friend” or “I came with a friend”. People seem reassured by it, actually.”* Marital status facilitates social exchanges, since it is a meaningful mark to everyone in the room.

Finally, to some, a gay marriage is seen as a political act. We can identify two separate sets of activism among the interviewees. The first one is notable in Gautier and Gabriel’s vision of a wedding that tends to downplay the difference created by their sexual orientation. The idea is to equate heterosexuality and homosexuality, with a right to indifference. During the wedding party they tend to hide the gay specificity of their union. But it can be seen as some kind of understatement, saying

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<sup>3</sup> Surrogacy remains illegal in France. As for co-parenting, only 2 parents can be legally appointed, including the biological mother

less to mean more. The other form of activism is the exact opposite: emphasizing the homosexual components. The difference between hetero and homosexuality is overplayed, insisting on the right to be different. During the wedding ceremony, LGBT artifacts can be displayed, for example a rainbow flag (Luke, 47). In both vision of a gay marriage, this event can be used as a coming-out tool within the couple's entourage.

## **5. Parenting**

The issue of parenting is at the center of the second set of interviews, made in 2015. The study focuses on the desire to become a parent, the procreation process and one's daily life as a parent.

### ***5.1. From giving up to embracing parenthood***

Interviewees who made their come out before the years 2000, when gay parenting started to be more visible, frequently matched their sexual affirmation to a relinquishment of becoming a parent. 36 year-old Laurent says "*I had given up on having children (...) When you come out, you just renounce it.*" For 47 year-old Jacques the wish to be a dad was, for a long time, linked to living a heterosexual life. "*I had the desire to have children at a young age (...) But, at the time, the only image of a father was with a woman, most likely married to her.*" The thought of giving up on parenting was strengthened by your entourage's reaction to your come out. Having a homosexual son or daughter meant you would never be grandparents. For the younger interviewees, however, connecting homosexuality and parenting is much easier. That is the case of 26 year-old Guillaume, Tamara and Tracy (24 and 29 year-old) and Jérémy and Julien (27 and 25 year-old).

The view on homo-parenting is different whether you are a man or a woman. The norm differs in terms of child's desire and conception, as long as parenting responsibilities. Maternity, pregnancy, childbirth for lesbian mothers make parenthood a completely different experience than for homosexual dads. Gay men have to state a paternity desire that is disconnected from the maternity wish, while still needing a female collaboration to create a child.

Homo-parenting can be a taxing experience, financially and socially, for both gay men and lesbians. Most interviewees had higher schooling and a relatively high

profile jobs. All were endowed with a high cultural capital, that tends to allow them to resist the usual societal norms (Bajos, Beltzer, 2008). Their financial lifestyle is harder to apprehend, but appears to be at a higher level too. A situation that makes it easier to opt for surrogacy or (at a lower cost) sperm donor or IVF (in-vitro fertilization) abroad. Some of the interviewees can also count on activism resources. Magalie, 34, is a co-founder of the Arc-en-ciel (rainbow) gay-parenting association. Same situation for Bertrand, 55, who was the president of a similar gay-parents association named APGL, or Michel, 41, who was very active in an association gay-self-help named Contact. All interviewees have benefited from such homo-parenting groups when they started developing their child project. Alexandre, 26, describes how getting in touch with associations has raised his consciousness about the multiple ways to have a child, and allowed him to opt for co-parenting. Martin, 46, and Michel, 41, were, at first, in favor of adoption or co-parenting, before discovering the surrogacy option, when they joined the ADFH association. On APGL's website, Lydiane and Laure, 41, have met a man willing to be their sperm donor. Being part of a LGBT association opens new venues, allows members to share experiences and practical advices, and can also matches co-parentality candidates. Not every interviewee has the same involvement in this LGBT milieu. Some (Martin and Michel, or Lucie, 33) are active members of one association, other parents just show up irregularly (Philippe, 43, or Laurent, 37). Some are simply checking the association's forum on the net (Jacques, 47, or Oriane, 52, and Odile, 56). By showing concrete examples and delivering practical and legal advices, the associative milieu is a key device for homosexuals accessing parenthood.

The conjugality dimension seems to be a key element too, in the willingness to become a parent. However, a few interviewees expressed an individualistic desire to have children. Both in their 30's, Bertrand, 55, and Philippe, 43, wanted a child without a steady partner at the time. Bertrand first tried to adopt, which turned out to be cumbersome, and then opted for surrogacy. Bertrand' lover was present during that phase, but they are now separated. Philippe who "*went through a lot of disappointments in (his) love life*" opted for co-parenting with a heterosexual female friend, single like him. "*Since neither of us was in a couple relationship, we created*

*our own parenting one*". As for Alexandre, 26, he wishes "*there would have been somebody important*" to support him, when he launched his child project. He was single when he was offered a co-parenting proposition by a lesbian couple. Here, the absence of connection between conjugality and parenthood sounds more like a burden than a real choice.

The interviewees' entourage is not always there to facilitate the parenting project. In various cases, the news was delivered to family and friends quite late in the process. Often, three months after the beginning of the pregnancy. Martin and Michel who chose surrogacy declares "*We wanted to be sure there would be no trouble. We kind of kept it to ourselves*". Such a retaining of information is also a way to avoid any normative expectation. Alexandre says "*I did not mention it because it was a personal choice and I was afraid people would try to make me change my mind*". But in the case of Laure, 41, her entourage was informed from the start, and comforted her during the early stages.

## **5.2. *Becoming a parent***

If filiation has been opened and legalized for homosexuals in 2013, it remains a complicated process. Adoption is now extended to gay people, but there are too few children candidates in France. And heterosexual couples remain the priority. Abroad, basically every country with an adoption program is shunning candidates that are openly gay. Surrogacy and ART (Assisted Reproductive Technology) are not legal in France for gay couples, and they have to turn to foreign countries. In a foreign-based ART situation, gay marriage now allows the female partner of the biological mom to officially become the second mother. But, in the case of surrogacy, the French nationality of a child born abroad is still a murky issue. Despite the law, each homo-parenting situation is a bit of a "makeshift job". A legal and societal grey area.

We can categorize the cases via the number of active parents (from one to four) and the procreative system. Sperm donor, adoption or surrogacy (Chauvin, Lerch, 2013). In all, the situations range from: one single gay parent, a homosexual couple, a homosexual + heterosexual parenting alliance. An other option is a parenting deal between one gay man (or a gay male couple) and one lesbian (or a lesbian couple). All combinations creating their own specific challenges.

### *Co-parenting*

Co-parentality goes against the idea of heterosexual parenting, and is not supported by law in terms of filiation, since only 2 parents - one father and one mother – can be legally recognized<sup>4</sup>. Among the interviewees, we have 3 co-parenting situations with 2, 3 or 4 parents.

First case: 43 year-old Philippe is single and has 2 daughters – aged 6 and 8 – with Caroline, a heterosexual friend of the same age, who is also single.

33 Second case: 36 year-old Laurent is the father of a 1-year old boy, with his husband Vincent plus their friends Marine and Sophie, a lesbian couple, also in their 30's/40's.

Third case: Alexandre is 26 and single, and has a 3 year-old boy with a lesbian couple, his friends Patricia and Régine, who are respectively 33 and 50 year-old.

Co-parents declare having little interest in the biological dimension, although it exists. Parenting being, to their eyes, more about commitment and daily investment into the child's well being. Their parental configuration comes from the desire to give different-sex parents to the baby, and allow the growing child to better apprehend "*where he is coming from*" (Philippe).

One important element in choosing a co-parent is the emotional proximity. For Alexandre "*It was simply out of question to do it with strangers.*" He has known Patricia and Régine for a long time, and they all share the same values, in terms of activism and political views. Philippe and Caroline have been friends for a long time. A situation akin to Laurent/Vincent and Marine/Sophie. In all 3 co-parenting cases, the procreation was made through a "home-made" insemination, since ART is restricted to infertile heterosexual couples. The progenitor collects his sperm and hands it to the mother during the ovulation process, and she injects it herself. A slightly awkward situation where humor facilitates the action. Thus, Alexandre called the process "homework". The fertilization happened after a few attempts: during the 2nd ovulation for Patricia, and her 8th for Caroline.

One key aspect of co-parenting is the respective role of each parent. His/her status and assignments. Multiple parents and the absence of a direct link between

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<sup>4</sup> With 2 exceptions: adoption now open to a single gay parent, and married same-sex couples.

parenting and conjugality can be a source of tension. In Alexandre + Patricia/Régine's case, the trio has signed a co-parenting agreement. This written document has no legal value. But, since it clarifies the role of each party, the contract allows to foresee potential problems, in terms of financial contribution, daily childcare and other topics. All co-parents insist on the importance of good communication.

The lack of a legal frame can create an inner turmoil for non-statutory parents. Signing the civil registrar and transmitting your last name are crucial and symbolic elements for the parents and their entourage. Laurent, the biological dad, admits "*some legal frustration*" for Vincent and Sophie, with their 4-parents situation. Actually, Vincent and Sophie asked Laurent and Marine to throw a "parenting ceremony", a party where both stated their implication in the upcoming parenting, in front of a few witnesses. A way to compensate for the lack of judicial recognition. Vincent's absence of official recognition in the co-parenting configuration was also a disappointment for his own parents. Laurent says "*For Vincent's mom especially, it was hard to admit that Vincent wasn't the biological dad*". The official parenting situation is a major factor in the grand-parents' involvement in raising a grand child (Herbrand, 2014). Laurent admits that Vincent's parents "*are less implicated*" and "*a bit side-tracked*".

#### *Anonymous sperm donor (ASD) or in-vitro fertilization (IVF)*

Either option was chosen by 5 female couples among the interviewees: Lucie, 33/Claire, Oriane, 52/Odile, 56, Christine, 42/Catherine, 57, Magalie, 34 and her ex-partner and Laure, 41/Lydiane. At the start of the child project, the issue of a missing father was central among interviewees. Sometimes it led to toy with the idea of creating a family with a single gay man or a male couple, or asking a donor among their close male entourage. However, in the end, all chose SD or IVF for a variety of reasons: fear of multi-parenting (Laure/Lydiane) or that the non-statutory mother will not be fully recognized in a crowded configuration (Magalie), lack of a friendly donor or some unappealing candidates for co-parenting (Christine/Catherine).

Catherine and Christine opted for a SD in Holland, with a possibility for their son to trace his origin when he turns 16. It was a complicated process. After 7 failed insemination trials, the couple decided to go for an IVF. In all, they made 12 trips to Holland. As for Magalie and her ex-partner, they went through a home-made insemination, with the sperm of a friend. The fertilization occurred after the 9th ovulation cycle for the first baby. Things were more complicated for the second child. It took Magalie 3 years and about 30 inseminations (a combination of home-made and medicalized ones, in Belgium) to become pregnant again.

Regarding Laure and Lydiane, through the APGL gay-parenting association, they met a sperm donor, but he opted to remain anonymous and have no relation with the future child. The home-made insemination was a success, but the strange deal with the donor could have been a problem. It must be noted that their endeavor was illegal, since sperm donation is restricted in France. Same situation for Magalie and her friendly donor. Support from friends and family was crucial for the interviewees who chose this option. Some lesbian mothers also benefitted, sometimes, from benevolent advices from a doctor or gynecologist.

Status and positioning of homosexual mothers are similar to co-parents' ones. The possibility to legally adopt and become a second mother - since the gay marriage law of 2013 - is not the key answer to every complicated situation, like the ones stated above.

Catherine and Christine are not planning to get married, because it would create a messy legal situation with Catherine's own daughter, born from a previous same-sex relationship. The couple's son, Alix, has therefore only one mother (with legal rights): Christine, his biological mom. She has drawn a testament that gives Catherine the role of a legal guardian. But actually, this decision is up to the Christine's family members. On a daily basis, Catherine's parenting is limited by various more-or-less cooperative institutions surrounding Alix (nursery, school, doctor). *"It's always a grey area. We make things as we go"*.

#### *Choosing surrogacy*

In a surrogacy situation, the mother who has bear the child for 9 months gives away all her parenting rights and obligations to the willing parents. It is an illegal practice in France since the bio-ethics laws of 1994. If made within the French territory,

such practice can create criminal problems for the bearing mother, the future parents and anyone who has helped them. Consequently, French citizens are turning to foreign countries, where the act is lawful or, at least, not forbidden. That said, the legal transcription of the child's birth certificate in France can create a complicated situation. In 2013, the same-sex marriage law has tackled the issue of surrogacy but, in the end, did not modify the 1994 text. The 2013-2014 Taubira memorandum (named after the French attorney general) aims to facilitate the French recognition of children born abroad from surrogacy. Still, in June 2014, France was condemned by the European Court of Human Rights (ECHR) for refusing to acknowledge the filiation in a surrogacy case. Nonetheless, in May 2015, in the city of Nantes, the public prosecutor's department refused to recognize 5 surrogacy children born abroad. The case is still pending.

The surrogacy process requires some resilience, financially, socially and judicially. In our study, 2 male couples did it in the USA: Martin, 41/Michel, 46, and Bernard, 47,/Bertrand<sup>55</sup>. Their surrogacy choice stem from a desire to be full time fathers, and not sharing their child with other parents. The genetic bond is also important. Within the 2 couples, the dads try to make no difference between them. Bernard and Bertrand both gave their sperm for the artificial insemination, and did not try to identify the real biological dad. *"We are parents at the same level. One is not more of a dad than the other"*. As for Martin and Michel, they tried to have twins. Oocytes of the surrogacy mom were fertilized with their respective semen, before the insemination. In the end, only one child was born, but they have no desire to state who is the real father.

Surrogacy parents have to make do with an incomplete law. They have received a birth certificate and passport in the USA. The child is registered under the name of both male parents. This way, they are on a similar "father level" for the French law. Regarding French passports, it is only delivered if the baby has a document called French Nationality Certificate. Bertrand and Bernard have obtained it. But Martin and Michel did not bother to ask for one, since the legal system of their residential area has the reputation to be quite strict about surrogacy cases. Consequently, their daughter is American and is lawfully... without parents in France. To avoid potential legal troubles, Martin and Michel have made a DNA test to prove the



biological link. But they refuse to go any further, with, for example, a possibly disruptive, battle in court. Living a strange situation, Martin and Michel are basically waiting for the law to change. As for Bertrand and Bernard, the difficult-to-obtain French Nationality Certificate does not make both of them lawful fathers. In their daily life, the absence of a full French nationality may complicate administrative endeavors. The usual financial help from the government was refused to Martin and Michel, as their child was American. Only with the threat of a lawsuit, were they able to receive these payments. Bernard and Bertrand encountered the same difficulties with Bertrand's private health insurance company, which investigated on their family situation. Both couples have been helped by gay-parenting associations in their struggle.

### *Adoption*

Unlike surrogacy, adoption may be legal and better regarded by society, but still is quite complicated for gay people. Only one interviewee chose this route: 47 year-old Jacques who has been with his partner for 18 years. Launched in 2006, his adopting process took no less than 7 years. Jacques went officially through it as a single man, since adoption was, back then, not open to homosexuals. In the couple, Jacques was also the one with more financial resources and family support. Consequently, he is the legal father of Emile, unlike his lover, who simply is his godfather. Today, adoption is legal for same-sex married couple. But it remains an ordeal for openly gay aspiring parents, as adoption officials vastly prefer young, married, childless, heterosexual candidates (APGL, 2013). However, our research did not investigate the situation of aspiring parents since the 2013 gay marriage law. For our study, we are simply analyzing Jacques' own experience.

Adoption was, in Jacques' opinion, a less transgressive option to become a dad than surrogacy or co-parenting. He sees it as a humanitarian move, giving a family to a child without one. Thus avoiding one infamous attack from gay marriage opponents "the right to have a child" versus the "the rights of the child". The adoption task is long and difficult. The first step takes about one year: French social services are investigating the candidate, to check if he has the required elements, in terms of family, education and emotional situation. This investigation will allow the

candidate to obtain an adoption agreement. Jacques does not mention he is gay, as it would probably mean the end of the whole process. Among the interviewees, many have given up on adoption, because it implied hiding their sexual orientation, something that had necessitated quite a lot of work on themselves, to come out the closet. In Jacques' mind, the fact that some professionals are delivering an agreement means that they are objectively validating his "*ability to be a good dad*". It is a confirmation process. The following step is the search for the child and the legal documents. Jacques wants to adopt in Russia, and he gets in touch with a few NGO, local associations and law firms. Nothing comes out this approach, and he turns toward the government body Agence Française de l'Adoption. Russia happens to be a closed country for single men. Consequently, Jacques had to use his social capital, and ask a few high-placed contacts, to help him circumventing bureaucratic hurdles. After 7 years of negotiation, Jacques becomes the father of Emile, a 5 year-old boy. However, Jacques agreed to give a report to the French administration, acting for the Russian adoption body, during the 3 following years.

### **5.3. Visibility**

Homo-parenting visibility is analyzed here through the reactions of the same-sex parents' entourage, once the child is announced and born, and the way child-care institutions are dealing with such unusual family structures.

As it is the norm, the arrival of a child is publicized through the mailing of a written announcement. A postcard sent to family and friends, and sometimes even to co-workers (Laurent, 37). An other option is via Facebook, with pictures of the baby, or a text message (Alexandre, 26). On a grander scale, some interviewees opted for a baptism, like Martin, 46, and Michel, 41, who invited around 60 people. In their case, the idea is to publicize the new family configuration, without using the child presence as a form of gay activism. "*There was a little bit of militancy, to show that we existed, that we were working it out. But not much. The basic idea was to protect our child, not make a political statement.*" All interviewees did not have to deal with any negative reactions. Except for Laurent, who had a "*vague ultra-catholic cousin*" that did not like reading the child announcement in their family's chronicle. Choosing a child care option and a school are not problematic issues, and just aim at making things easier. Proximity and compatible hours being the key factors here.

Interviewees want their child to socialize in a normal mixed environment, with diverse family's structures. Only a few had to face antagonistic institutions. Magalie, 34, just mentions a rather fussy head-teacher, asking for a document entitling her lover to pick up the child after school "*as if she was a neighbor*". Laure, 41 and Lydiane had to deal with a doctor that had a hard time adjusting to a second mother. "*I was just invisible. I could not tolerate it from my family doctor (...) Now the situation has vastly improved*". Mostly, homophobia is a subtle game of avoiding and distancing from such unusual families. Bernard, 47, and Bertrand, 55, had registered on their city hall's list to find a nanny: "*Some said yes, but other probably turned us down because we are a gay couple. We'll never know for sure*". It seems the way parents are presenting their same-sex couple's situation to child-care institutions makes all the difference. Some interviewees briefly mention the unusual parenting configuration, with no further explanation. During his first meeting with the head of the nursery, Alexandre, 26, "*quickly addressed it with ease*". Similarly, Martin, 46 and Michel, 41 explained their situation from the start, but without delving into it. A "don't hide it, don't flaunt it" homo-parental situation. The general idea is to make homosexuality banal. And thus show that they are parents like any other, expecting a "right to indifference". A second option, chosen by a few interviewees, is to hide their sexual orientation. They do not mention it whatsoever to institutions. Philippe, 43 and Caroline look like a regular heterosexual couple, and use this assumption to their advantage. Jacques, 47 also uses his false image as a single (hetero) dad, since he is the sole lawful father. Jacques' partner can take care of the boy, as far as school is concerned, but their true relationship is never addressed. "*The only thing that I've mentioned is that there is no mother at home. Nothing more. No explanation. I was a single man for the adoption process. I still am.*" Unlike the previous tactic (briefly mentioning homosexuality, as a mundane issue) this attitude to line up with hetero-normative views, and the way public institutions still perceive old parental configurations as a preponderant reality.

## **6. Homophobia and discrimination**

Studies do not often allude to homophobic or discriminating acts.

However, this was not our purpose, the issue was more the difficulties faced by homosexuals as a couple or homosexual parents. Besides, an interview does not seem to be the right setting to evoke such painful events. The retelling of past homophobic acts could alter the positive, legitimate parents image they are trying to give to the interviewer.

Nonetheless, to retrace one's life story can be an opportunity to discuss the hurdles one may have faced, especially during his time as a student. This was the case for Alexandre, 26, who found his homosexuality very difficult to live during high school : « *There were some remarks, insults, and there was one assault in particular which was physical. There was also rumors I had AIDS (...) Well, that was back then, in high school, when we knew absolutely nothing. We were completely ignorant, especially about AIDS* ». School years were difficult for Gilles, 40, too : « *I was called a fairy, a fag, a queer all my school years, until my high school graduation(...) Starting from the university it was over. I was accepted the way I was, at least concerning my sexuality. I really suffered from the insults, the verbal abuse, being slapped sometimes, during all my school years* ».

## **7. Conclusion**

If the social and legal context is more supportive of homosexuality since a few decades in France, obstacles remain for gays and lesbians. To prevent homophobia, efforts have to be made to accustom children in school to different sexualities, and to be more watchful of discriminatory acts in society as a whole. The new same-sex marriage law and gay adoption in 2013 lead to a better acknowledgement of same-sex couples and families, but access to adoption for a homosexual couple remains difficult. To authorize gay and lesbian people to resort to medically assisted procreation would end the discrimination they face as tentative parents. The whole surrogacy issue should also be subjected to a public debate. Furthermore, new family homo-parenting configurations require an adjustment of family laws, to offer full statutory recognition to coparents. A situation akin to the grey legal area imposed on step-parents in divorced and re-structured families.

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*European rainbow families in the making: practices, norms and the law*

France					
Pseudonym	Sex	Age	Couple Status	Parental Status	Geography
Alexandre	Male	26	Single	1 child, co-parentality with a lesbian couple, "homemade"	City
Bernard	Male	47	Married	2 children from previous hetero relation + 1 child surrogacy	Paris and suburbs
Bertrand	Male	55		1 child (surrogacy)	
Christine	Female	42	Cohabitant	1 child (ART)	Countryside
Catherine	Female	57			
Christian	Male	32	Cohabitant	None	Countryside
Clément	Male	50			
Emmanuel	Male	37	Cohabitant	2 children from previous hetero relation	Paris and suburbs
Eric	Male	27			
Fabrice	Male	35	PACS	None	City
Francis	Male	41			
Gabriel	Male	52	Married	None	Paris and suburbs
Gautier	Male	55			
Gilles	Male	40	Cohabitant	None	Paris and suburbs
Guillaume	Male	25	Single	None	City
Isabelle	Female	40	Cohabitant, plans to register (PACS)	3 children from previous hetero relation	City
Irène	Female	43			
Jacques	Male	47	Cohabitant	1 child, adoption	Paris and suburbs
Jérémy	Male	27	PACS	None	Paris and suburbs
Julien	Male	25			
Jules	Male	26	Cohabitant	None	Paris and suburbs
Laure	Female	41	Married	1 child (homemade)	City
Lydiane	Female				
Laurent	Male	36	Married	1 child, co-parentality with a lesbian couple, "homemade"	Paris and suburbs
Lucie	Female	33	Married	2 children previous hetero relation + 1 child (ART)	Countryside
Luke	Male	47	Married	None	Countryside
Magalie	Female	34	Homo-separated, cohabitant	2 children, homemade, with her first partner	Countryside
Michel	Male	41	Married	1 child, surrogacy	City
Martin	Male	46			
Nathan	Male	27	Married	1 child, adoption, previous hetero relation	City
Nicolas	Male	44			
Oriane	Female	52	Married	3 children from previous hetero relation + 1 child (ART)	City
Odile	Female	26		1 child (ART)	
Paul	Male	24	Single	None	Paris and suburbs
Philippe	Male	43	Single	2 children, co-parentality with an hetero friend	Paris and suburbs
Tamara	Female	24	Married	None	City
Tracy	Female	29			
Thomas	Male	37	PACS	None	Paris and suburbs
Valentin	Male	39			
Yves	Male	44	In relationship, LAT	2 children, previous heterosexual relation	Paris and suburbs

# ICELAND

Marie Digoix



*Skólavörðustígur painted for the 2015 Gay Pride*

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## **1. Country context**

### ***1.1. The spirit of the law***

The Republic of Iceland is an island in the Atlantic Ocean. It is a relatively new nation, the original settlers (mostly coming from Norway) established the Icelandic commonwealth at the end of 10<sup>th</sup> century on nearly virgin grounds. Iceland lost independence in 1282 when signing the Old Covenant, which linked it to the Norwegian crown. In 1415, it passed to the Kalmar Union then to the Danish-Norwegian united crown, then to Denmark alone in 1814. Iceland was granted Home rule by Denmark in 1904 and in 1918 became a sovereign state. The country claimed independence in 1944 and became an independent republic. It is now part of the Norden, a Nordic countries alliance formed by Denmark, The Faroe Islands, Finland, Greenland, Norway, Sweden and Åland Islands.

In the field of family policies, this Nordic cooperation implies a minimum of compatibility<sup>5</sup>. Since a treaty of 1954, freedom of movement of citizens within Scandinavian space and their equality of situation are the essential quality of Nordic dynamics. The countries are fully independent, but when about to create or amend a law, observation of what the others provide (or not) in their legislative apparatus is widespread.

In the 1980s, the Norden started to reflect about the rights of homosexuals and gave impetus to a series of reforms, which have been taken at different timing in the various countries<sup>6</sup>. Sweden was the first one to recognise same-sex couples in cohabitation in 1987 after a complete study about the cohabitation law that occurred at the time. However, when in 1989, Denmark adopted the registered partnership law for same-sex couples, the other countries had to follow this model. So did Iceland in 1996<sup>7</sup>.

At a more general level, the Nordic countries aspire to implement a policy of citizenship where the individual and its wellbeing are a need so that the society

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<sup>5</sup> Eydal, Guðný Björk.- *Family policy in Iceland 1944-1984*.- Göteborg University, 2005, p.69.

<sup>6</sup> Nordiska rådets rekommendation om homosexuellas sociala situation i samhället nr.17/1984/j

<sup>7</sup> Digoix, Marie.-« Le concept nordique d'égalité entre différenciation et universalisme ».- *Mariages et homosexualités dans le monde : l'arrangement des normes familiales*. -V. Descoutures, M. Digoix, E. Fassin and W. Rault. Paris, Autrement, 2008. p. 18-33.

functions smoothly. Inclusion of the minorities falls under this policy of equality, with a pragmatic will to frame individuals' life by laws for a better development in the society. Therefore, this is for the benefit of all even if such heavy legal structures can be associated to a thorough social control. Ideally, the laws must thus relate to everyone and should cover every specific cases<sup>8</sup>.

For these reasons, Scandinavian countries chose to reflect about homosexuality before homosexual conjugality. By discussing homosexuality as a sexual behaviour identical to the heterosexual behaviour, they could conclude same-sex couple had to be framed just as different-sex couple<sup>9</sup>. It clearly means that the first reforms aimed primarily at the individual then at its place in the society.

By examining the position of homosexuals in the society such as the Nordic Council invited them in a 1984 resolution, the countries underlined the situation of inequality homosexuals were subjected to. They undertook to carry out a policy much broader than a law related to couples, which are only one legal aspect among others of an uneven social condition.

### **1.2. Anti-discrimination law**

1. Same sex intercourse was decriminalized in Iceland in February 1940 with the adoption of the New Penal Code, following the evolution of Danish legislation. Still, the age of consent for sexual intercourse was different for homosexual relations, 18 years old compared to 16 year old for heterosexual ones. Moreover, in case of complaint, an individual could be sent to jail up to two years if the "use" of age and "experience" was proven in a same-sex intercourse with another adult between the age of 18 and 21<sup>10</sup>. The age of consent for sexual relationship was equated only in 1992 (*lög nr. 40/1992*) when it was lowered down to fourteen years old for both types of relationship.

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<sup>8</sup> Digoix Marie & Le Bouteillec Nathalie.- "Régulation de la vie privée dans le contrat social en Islande et en Suède". *Savoir/Agir*, (20), 2012, p. 61-70.

<sup>9</sup> Ytterberg, Hans.- "From Society's Point of View, Cohabitation Between Two Persons of The Same Sex is a Perfectly Acceptable Form of Family Life": A Swedish Story of Love and Legislation".- Robert Wintemute & Mads Andenæs.- *Legal Recognition of Same-Sex Partnerships: A Study of National, European and International Law*.- Oxford: Hart Publishing, 2001, p.427-437.

<sup>10</sup> Þorvaldur Kristinnson.- "Samkynhneigð og löggjöf á Íslandi. Stutt ágríp". in Rannveig Traustadóttir & Þorvaldur Kristinnson (eds).- *Samkynhneigðir og fjölskyldulíf*.- Reykjavík: Háskólaútgáfan, 2003, p. 259.

The penal code is prohibiting discrimination on grounds of sexual orientation since an amendment of December 13, 1996 (*Lög um breyting á almennum hegningarlögum nr. 19, 12. Febrúar 1940*). The same amendment refers to race and belief as well with an emphasis on condemnation of discrimination at work.

### **1.3. Family law**

The law on same-sex partnership was adopted after the Parliament inquiry about the situation of homosexuals<sup>11</sup> in 1996 (*Lög um staðfesta samvist nr. 87 Júní 12, 1996* (Into force June 27 1996)). The law, called *Confirmed partnership*<sup>12</sup>, which aimed at providing a same device than marriage for different-sex couples failed however in few particular matters, especially the filiation part. Only parental authority of the partner's child was granted. Moreover, Church registration wasn't opened. Absence of parental rights and Church prohibition were discussed in the public sphere as soon as the law passed, as well as the registration of cohabitation at the National Registers (*þjóðskrá*<sup>13</sup>) that still wasn't authorized for same-sex couples. This legal disposition (in fact a bundle of rights deriving from different laws) known under the term *ovigð sambuð* is broadly used by couples which don't want to marry, especially young (new) couples. To register at the same address is the only necessary condition to be able to call on different (mainly social but also taxation) rights. It is easy to register and to put an end to cohabitation compared to the process of marriage/confirmed partnership and its dissolution: therefore, this legal device is very popular. Since the past decade, this can be done easily on the internet thanks to the personal number of each individual (Home address registration is compulsory in Iceland)<sup>14</sup>. Although it brings fewer (and lesser known) rights than marriage, the registration of cohabitation tends to bring more and more rights over the years and to get closer to marriage in terms of family rights. It is the case in the matter of adoption and AMR. For this reason, the state of the

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<sup>11</sup> Skýrsla nefndar um málefni samkynhneigðra.- Reykjavík: október, 1994.- 112 p.

<sup>12</sup> Not “**Registered** partnership” as in the other Nordic countries to avoid confusion with the non-marital cohabitation device which is **registered** at the National Registry.

<sup>13</sup> <https://www.skra.is/>

<sup>14</sup> Each individual has a personal number (*kennitala*) given by the national register. This number is essential even for everyday acts. Everyone must declare a legal address and signal moves. Most administrative acts are attached to *kennitala* as well as some private ones such as bank movements for example.

law in 1996 was making a clear difference between same-sex and different-sex couples in both the matters of living arrangements and filiation.

The legal situation of both types of couples was finally equated in 2006 with a generic law which opened the legal cohabitation device as well as the adoption and access to ART for lesbian couples (*Lög nr. 65 14. júní 2006 um breytingu á lagaákvæðum er varða réttarstöðusamkynhneigðra (sambúð, ættleiðingar, tæknifrjóvgun)*). At this time, registered cohabitation rights in *óvigð sambúð* were upgraded to nearly equate those of marriage and confirmed partnership.

One major unequal treatment left by then was the ban on accessing legal church registration which prevent the access to the marriage law per se. Iceland has a State Church and priests are civil servants. Religious marriage has legal validity while Confirmed partnership was only civil from a legal point of you. Most of marriages in Iceland are registered by the Church. In 2008, the State church has adopted a benediction for same-sex couples, available in church but with no legal validation of the union, the couples had still to register (mostly with *sýslumaðurinn* (state officer)) as an administrative act.

In 2010, the marriage law was amended to be opened to same-sex couples (*Lög nr. 65 22. júní 2010 um breytingar á hjúskaparlögum og fleiri lögum og um brottfall laga um staðfesta samvist (ein hjúskaparlög)*). This law with no name which amends the marriage law (and some others) is in short called “*One marriage law*” (*ein hjúskaparlög*) in the public sphere after activists had started to use this term while fighting for its adoption. Together within the law, the *confirmed partnership law* is abolished. Confirmed partners could either transform their legal union in marriage or kept the ancient denomination with the same legal effect as marriage.

#### ***1.4. The ongoing fights***

*At the beginning of 2016, two major questions remain discussed in the legal sphere.*

One concerns the situation of transgender people. A law passed in 2012 authorizes but controls gender reassignment. *Lög um réttarstöðu einstaklinga með kynáttunarvanda (Lög nr. 57 25. júní 2012, into force June 27, 2012)*. It remains a mental illness (Gender Identity Disorder). Gender reassignment is subject to a decision of a committee, another main contested point, and there is a minimum 12 month period of observation before starting the treatment. It doesn't seem; at the

time of the writing, that discussions to amend the law are in process. An association has been created to defend the rights of transgenders, Trans-Ísland<sup>15</sup>.

The second one concerns parentality with surrogacy. Children born out of surrogacy abroad are recognized in Iceland in “the best interest of the child” but surrogacy remains illegal. Discussions have been brought up to enter parliament process but nothing came out. Terms of the law are difficult to set and opinions as it will be seen further down in the report are shared about the issue.

#### *Two other points are discussed*

In Iceland, parentality is compulsory. The child must have two parents. When only one parent is declared, the situation is complicated (Social services monitoring).

As one of the respondents mentioned, the relationship between two women is not the same as with a man and a woman. If the presumption of parentality exists in the married or registered couple for both structures, there is a discrepancy when the child is conceived before the registration. In different-sex couples, the man is declared as the father while in same-sex couples, the non-biological female has to adopt the child’s partner after the registration.

Another *topic* can be added as *males who have sex with males* can’t give their blood. There is an ongoing discussion about it which has not yet come to terms and which underlines a difference of treatment between individuals.

#### **1.5. The public debate**

Iceland has been quick in its timing to adjust its legislation to (nearly) full equality (from 1996 to 2010) and it seems that the relative consensus among the population played a strong role in this timing<sup>16</sup>.

The main discussions about the laws in the public sphere were concerning the parental laws at the beginning of the debates and the resistance of the State Church to the church registration in the last steps of law amendments. However, the

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<sup>15</sup> <http://trans.samtokin78.is/>, <https://www.facebook.com/transisland>

<sup>16</sup> Digoix Marie & Kolbeinn Stefánsson, “They should go all the way! To register or not: Law and behaviour in France and Iceland: The symbolic and the social” in Marie Digoix, Eric Fassin, Patrick Festy, Kolbeinn Stefánsson, Kees Waaldijk. *Les couples homosexuels et l'enregistrement de leur union*. INED : Institut national d'études démographiques - [Paris] : [Ined], 2006, p. 275-338.

question didn't raise many discussions once the laws passed and laws went to oblivion in public debates.

During the discussions about the confirmed partnership law, a nearly single voice was heard from Gunnar í Krossinum, a priest from a (very) minority religious congregation. If his point of view wasn't much shared, he put a strong energy in his discourses to "cure" homosexuals and it made a lot of stirs, especially in the press. The press had and still has a strong role in the stirring of public debates in relaying strongly the problems and complaints in any circumstances. Established newspapers, TV and new internet media are prone to quickly reveals incidents and more serious cases of discrimination and injustice.

#### *The church position*

The State Church opposition was somewhat more serious, although often quite subtle until very recently. In a kind of consensus between Church and LGTB associations, the civil registration passed without any stirs in 1996. The Church felt safe because same-sex marriage was not discussed and LGBT associations were happy with obtaining this first step. But as marriage was really associated with Church in Iceland (the civil marriage was late to be introduced at the end of the XIXe century and as a custom, most of the people who marry, do it in Church), it became quickly the main battle horse for LGBT community. It put a lot of pressure on the State Church, because marriage could not be opened for all if the Church didn't agree to marry same-sex couples.

Two things were at stake for the Church: because of this position, people started to register out of the State Church (Icelanders are declared members of the State Church by birth). It became then not only a question of bad publicity but also a matter of economy, because the taxes of deregistered people (*sóknargjöld*), were going elsewhere than the Church<sup>17</sup>.

The second problem arose when other religious congregations, mainly the Fríkirkjan í Reykjavík, started to perform Church blessings, creating thus a "religious market".

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<sup>17</sup> As part of the state administration, State church is funded by taxes. When deregistered from the State Church, people can choose among a list of other religious institutions or the University of Iceland where their part of taxes goes.

As soon as 2004, some priests from the State Church, among them, the popular Bjarni Karlsson and Jóna Hrönn Bolladóttir militated in favour of, first a State Church blessing then for the opening of marriage. It was slower in the religious sphere than in the public one to accept church marriage but it was mainly due to some recalcitrant priests. However, this opposition existed -especially the Bishop of Iceland (elected head of the Church) at the time was not in favour of the proposal- while his brother, renowned theologian at the University of Iceland was arguing in favour) there was a lot of pressure from the Government for the Church to accept. With the change of Bishop, the new one, Agnes M. Sigurðardóttir (elected Bishop of Iceland in 2010 but taking her charge in 2012), although half-hearted, was in favour of the law (but not to force priests to marry), it was understood at the end that a conscience clause would apply to not forced the priests who wouldn't want to marry same-sex couples.

Five years after the law passed, the existence of this conscience clause was still at stake in 2015. A member of the Parliament from the Left-Green Alliance party (left wing) asked (through a Parliament question at 2015 Autumn session) the Interior (and Church affairs) Minister about this conscience clause and if same-sex couples had experienced refusals from the State church. The answer was that the Minister was not aware of any complaint and that the conscience clause was an internal affair with the church but not an official one. The newspaper *Fréttablaðið*<sup>18</sup> revived the discussion in sending a questionnaire to priests to know whether they would use or not this conscience clause and two of them answered yes. It revived the complaints in the media and led to a Parliament proposal to clearly dismiss this conscience clause in the law as the Minister of Interior, Ólöf Nordal stated immediately in an interview<sup>19</sup>. More important, these discussions raised (again) the question of the separation of the Church from the State, as in her answer to the Parliamentary question, Minister Ólöf Nordal underlined the fact that civil servants couldn't discriminate against the law.

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<sup>18</sup> Fyrir alla eða útvalda? *Fréttablaðið*, Október 3, 2015, p. 38.

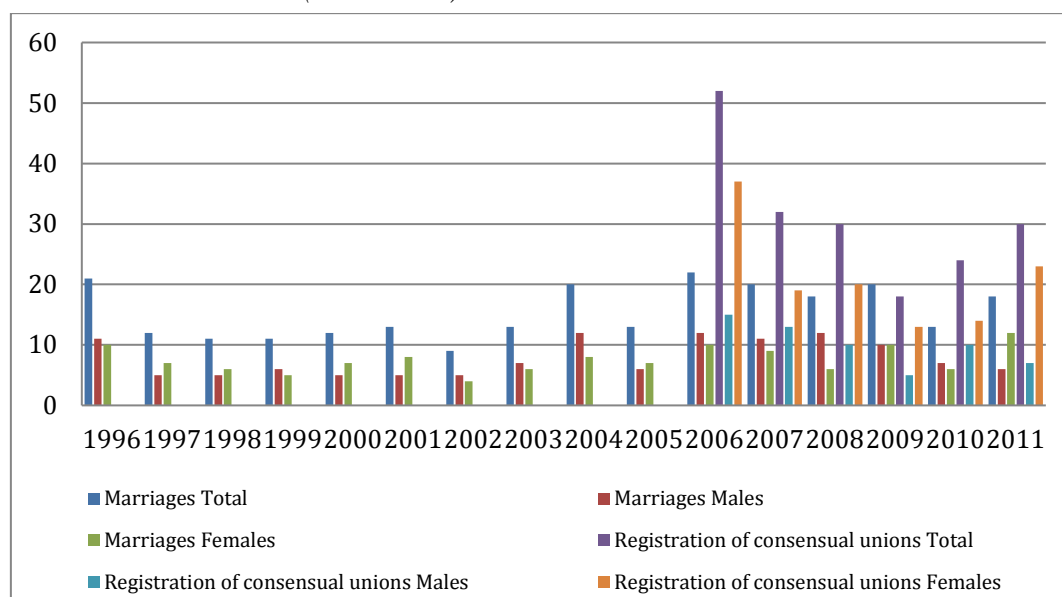
<sup>19</sup> "Ólöf Nordal: Prestar eru opinberir embættismenn sem halda á veraldlegu valdi", *Austrufrétt*, 28 september 2015. <http://www.austurfrett.is/frettir/3932-olof-nordal-prestar-eru-opinberir-embattismenn-sem-halda-a-veraldlegu-valdi> retrieved October 5th, 2015.

As a conclusion about the social and political contexts of Iceland, it is possible to mention that after being the first country in the World to have elected a female President of the Republic, Vigdís Finnbogadóttir as soon as 1980 who served sixteen years at the head of the state, Iceland was also the first country in the world to have the first openly gay Prime Minister, Jóhanna Sigurðardóttir, from 2009 to 2013. It will be discussed later in the report the importance of the role models but although Jóhanna has never been much active in the defense of LGBT rights, her figure is highly influential not only at the local level but also at the international one. Not the least, since 2012, another woman, Agnes M. Sigurðardóttir, is at the head of the State Church of Iceland.

### ***1.6. Statistics Iceland demodata***

Iceland uses population registers and provides data of registration. It is a small country (329 000 inhabitants January 1<sup>st</sup>, 2015) It is difficult to interpret the data without any sophisticated international comparisons.

*Figure 1: Same-sex marriages (and before 2010 confirmed partnerships) and same-sex consensual unions (1996 2011)*



*Source: Statistics Islands (2015)*

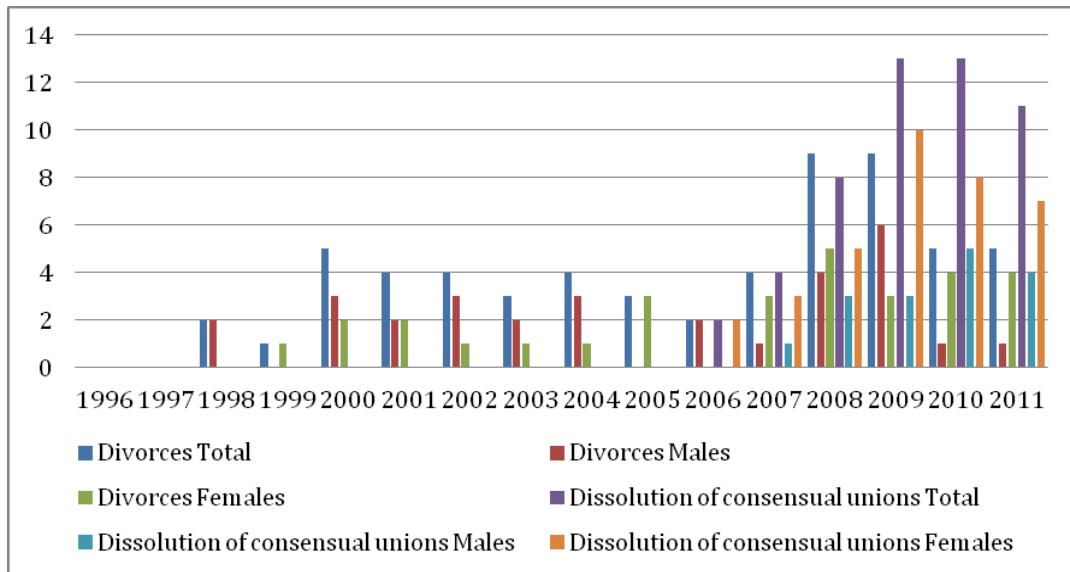
At the country level, Iceland has a model of low registration of different-sex marriage and it seems the same for same-sex-marriage and confirmed partnership. However there is a slight increase of registration with time. Males use to enter unions more than females in the recent years while since 2006 and the introduction



in the law of registered cohabitation, females tend to cohabit more than males. As with different-sex couples, the cohabitation registration is far above marriage/partnership registration.

Women tend to register more cohabitation than male but they also tend to separate more.

*Figure 2: Same-sex divorces and dissolutions of same-sex consensual unions (1996 2011)*



Source: Statistics Islands (2015)

### 1.7. Methodology and sampling

The project and the conception of the interview guide has been realised with the Italian and Spanish team in a comparative perspective. Semi conducted interview method following the comparative guidelines have been used.

Table°1: Respondents by age group

Sex/Age	18 29 years old	30-49 years old	50+years old	Total
Female	6	5	3	14
Male	6	7	2	15
Transgender		1		1
Total	12	13	5	30

Interviews have been taken by Íris Ellenberger and Svandís Sigurðardóttir in Icelandic for Icelanders whose mother tongue was Icelandic and in English for the others in Iceland, between August 2014 and August 2015.

Respondents were chosen to fit the diversity requirements established by the Comparative team. Iceland is a very small country, personal relations have been used to select the interviewees as well as the snowball method in concertation with the two interviewers. The share of the interviews was done after discussions, especially to choose the interviewer when the interviewee was known by one or the two of them.

This survey by interviews happens to be the third one made by Ined in the country on the topic (a comparison of the three waves is forecasted in the next years). The first wave has been performed in 2005, nine years after the *Confirmed partnership* law was passed and the second one in 2009, three years after the registered cohabitation has been opened to same-sex couples and filiation rights equated. Two respondents of this wave have been interviewed in the other waves (one in 2005 and the other in 2009).

The majority of the recruited persons lived in Reykjavík area where most of the Icelandic population lives. However, a lot of interviewees are not born and raised in the capital and have grown up in the regions. Icelanders are also moving a lot, not only for studies but also for work, mostly in the Nordic countries, but not only, which brings a diversity of experiences in different national contexts.

Table 2: Respondents by place of actual residence

<b>Sex/address</b>	<b>Reykjavík and suburbs</b>	<b>Others in countryside</b>	<b>Total</b>
<b>Female</b>	13	1	14
<b>Male</b>	11	4	15
<b>Transgender</b>	1		1
<b>Total</b>	25	5	30

Two foreign born interviewees have been selected to have testimonies from homosexual circles of the country larger than national born: if Icelanders are

travelling a lot, Iceland is welcoming also a growing number of foreigners. Migrants are coming in Iceland for different reasons, political reasons and economic reasons. From the two previous waves of interviews done in Iceland (Ined 2005 and 2009), findings show that the attractiveness of Icelandic marital status securing legal rights for foreigners was one of the reasons couples would most likely enter a legal partnership.

It is also possible through the sample to tackle intersectionality, through ethnic and disability particularities.

One transgender person was interviewed. During the first interviews of this survey, the people interviewed who were activists or following closely the situation of sexual minority in Iceland through the LGBTTT associations mentioned the situation of transgender people as difficult compared to theirs. It seemed important to enter in contact with transgenders. For the purpose of anonymity, it is difficult to use this interview in personal details but it will throw light on some crucial questions on social reception.

Table 3: Respondents by marital status at the time of the interview

<b>Marital status</b>	<b>M</b>	<b>F</b>	<b>Total</b>
<b>Single</b>	8	3	11
<b>Cohabitant</b>	3	3	6
<b>Registered cohabitant</b>	-	5	5
<b>Married</b>	3	1	4
<b>Divorced</b>	1	1	2
<b>Widow</b>	1		1
<b>Lat</b>		1	1
<b>Total</b>	16	14	30

The transgender person has been included in the new gender

Parenting diversity was difficult to find, especially in the field of adoption. Adoptions are rare in Iceland because there is no availability of child. Although Iceland authorised International adoption, it has been impossible to find a

respondent willing to be interviewed. Before the legalization of AMP (2006), lesbians were going abroad and the non-biological mother could adopt the child partner (since 2000).

Most of interviewees have children or are willing to have children. Diverse family situations can be found in the sample. Oldest have children from previous heterosexual unions, most of lesbians have used AMP with the Icelandic medical system, “natural” (homemade) insemination has also been used by two respondents. Occupational status was also a difficult area where to find diversity and the result is unsatisfactory. Although it has been possible to find respondents in the regions, no farmer nor seaman or actual fisheries workers were interviewed. Farming and fishing are traditional activities in Iceland even if it doesn’t concerned a lot of people anymore.

To use the interviews, they have been numbered from 1 to 30. For anonymity purpose, the names of interviewees have been changed and their occupation has been taken in a large definition. Places are not disclosed except Reykjavík.

## **2. Being out in Iceland**

Iceland is today fully provided with laws protecting sexual orientation but the legal dispositions have been adopted in a very short timeline. The oldest in the sample have lived in a time it was different. Likewise, a part of the general population has also not been raised in the spirit of minority acceptance that is now prevailing. Yet, even nowadays, homosexuals are part of a minority and even if acceptance is broad, or broader than before, prejudices still exist.

One of the major setbacks of the sample concerns the people not out or not willing to discuss openly their sexual orientation. People in the closet are therefore unknown and their voice unheard. However, respondents have different profiles, some are activists, some are not hiding their homosexuality but don’t show it either, some are not disclosing it except when forced by life necessity.

### ***2.1. Self coming out and first coming out***

Coming out is still complicated from the interviewees’ point of view while it seems that the reception among family and society is less complicated than feared by the people concerned.

### *Generation effect*

There is a clear distinction in the sample between the age groups.

People are usually discovering their difference during teenage years. Oldest people had some problems to identify quickly what was their difference or its meaning then kept it for themselves for more or less a long time. Some knew they were gay from the beginning but couldn't accept it or couldn't believe others will. Heterosexual relationship or heterosexual marriage is not rare in their life course among this older population.

Typical of the "old generation", Vigdís, 51 years old realised at 15 she was lesbian but refused it. "*I didn't want to be gay*" (IS24 Vigdís). Her family, she said, was unprejudiced, so she doesn't understand why she wouldn't tell them but it seems impossible to her. It's only after having led an heterosexual life with children that she decided to come out when "*she was ready*" (IS24 Vigdís).

The absence of role models is mentioned frequently. "*People know more queer people [nowadays] and I think the biggest impact has been from public figures, artists and politicians who have just stepped up. I think it's a key issue*". (IS02 Ólöf) Þórdís, 51 years old came out abroad at 21 years old "*I always felt that I was different. I felt it immediately as a teenager that I was attracted by women but there were so few role models*"... "*so I just tried to be straight*"... (IS04 Þórdís)

The figure of Páll Óskar, a pop singer, and to a lesser extent while more ancient, Hörður Torfason, a folk singer and actor, the first public figures to come out widely in the media are often cited as an example (IS02 Ólöf). It happened very late, in the late 70s, with Hörður Torfason coming out and discussing homosexuality in the popular magazine *Samúel*<sup>20</sup> and the people reaction led him first to flee in Denmark. When he came back in Iceland, he decided to create the first LGBT association in 1978, Samtökin '78<sup>21</sup>.

Before the LGBT association became organised, homosexuality was concealed and little knowledge about it went in the public sphere. Hörður in the *Samúel* interview explained clearly the experience that most of the oldest in the sample had. Homosexuality was not even mentioned in the biology education programmes

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<sup>20</sup> *Samúel*, Júlí 1975.

<sup>21</sup> <http://www.samtokin78.is/>, <https://www.facebook.com/samtokin78>

where sexuality was taught. Homosexuality was considered by then as a disease and coming out led parents or school administration to send young homosexuals to doctors to be cured. As a result, it was never discussed and people sometimes barely identified before long what was their own feelings.

Sveinn, 41 year old *“I came out when I was fourteen to all my friends but didn't tell my parents until I was of age or sixteen. And the reason was that I had started going to The National Queer Organization when I was around fourteen and start making friends and acquaintances there. And then they were still firing people from work and committing them to psychiatric hospitals and declaring people incompetent so I figured that I would have to have some money if I were to be thrown out on the street when I came out”* (IS08 Sveinn). He stressed as well that at his time of coming out, in the mid-80s, people were afraid of Aids and the disease associated with homosexuality stigmatized the male homosexuals all the more. So he typically (this has been widely noticed in the previous wave of interviews) went abroad *“to get some peace and quiet in order to come out”* leading to state that Iceland was not a welcoming environment to be homosexual.

Another effect widespread because of this fear of coming out is personal instability driving individual to alcoholism (IS13 Anton, IS14 Stefan), suicidal attempts (IS29 Águst) or suicidal tendencies.

Hrafnkell, 37 years old came out first to a psychologist at 21 and then to his parents who didn't really take it very well at first (IS23 Hrafnkell).

These respondents came out at different times but it didn't mean they didn't lead an homosexual life even if having an official hetero relationship.

A large complaint about their country is the smallness of the community. It is a problem for anonymity but also for the sexual market. Before the increasing visibility of homosexuality, homosexuals tend to leave Iceland either to live openly their sexuality. A lot of homosexuals went to Denmark which was the nearest country known for their openness but also to the other Scandinavian countries and the US (IS04 Þórdís). It was also easier to come out while abroad letting parents time to accept.

The delays in coming out led to different life courses. Heterosexual relationships, children but also different experiences.

Ólöf, 50 years old felt that she was different very young but she wanted “*to try to be like the others*” and only came out at 30 after broken up with a second male partner. She recalls a difficult moments but thought “*I’m going to give this a chance*”...” *it was like being aboard a ship, without the earth under... I felt dizzy...*” “*I felt like I lost my identity and taken another... I went through puberty again*”. (IS02 Ólöf)

The oldest in the sample are remembering negative attitudes as belonging to the past and acknowledge a real progress in public responses to homosexuality thanks to the visibility of some. Two of them find the actual period favourable and believe homosexuals are coming out younger and younger without many problems which leads to a better start in life. However, this ideal picture is not endorsed by most of the interviewees and coming out is still a difficult step for homosexuals. Of course, this is a period of age where relationships to parents and the discovering of sexuality are not obvious for all but it seems all the more complicated for homosexuals as a non normative behaviour. Elín, 27 years old came out to her friends at 14 but waited three more years to tell her parents even though she knew they were supportive of homosexual rights. However, “*I don't quite know what, what I was afraid of*” (IS21 Elín)..

In the middle age class of our sample, Andri, 34 years old thinks one of the drawbacks of these progresses is that homosexuals were helping each other before while with the broader acceptance of homosexuality, homosexual circles have loosen these ties between the individuals, leaving people to face alone this important threshold.

Since the foundation of Samtökin ‘78, the association has done a lot. Helped by the municipality of Reykjavík which gave the association means and well situated premises, Samtökin ‘78 has organised the community and opened a centre where people could seek information, counselling and help. A bar and a library were open to all, homosexuals and parents, nights and events were organised on regularly bases. The fight for the rights has strengthened the association while once the rights gained and perhaps more acceptance from the general population, the association seems less needed. Other associations were also created, especially at the University which diluted the activism.

Most of the interviewees have sought help from Samtökin '78, often directly visiting the premises, have participated to activities, sometimes at different levels, organising themselves events or being just participants.

#### *Reykjavík vs countryside*

Iceland is very rural except from the Reykjavík area which however concentrates two/third of the population.

Although admitting coming out is easier nowadays, Haukur, 28 years old raised and living in the countryside underlines the specificity of little villages. He said that it was impossible to come out at “that” time there, not so long ago (“*No one has come out without leaving first*” (IS17 Haukur). He came out when he moved to attend school in Reykjavík. So did Kjartan, 33 years old at 19. “*there, you just talked about gays as something negative*”...“*I buried it deep down inside of me*” (IS01 Kjartan).

#### *Bullying*

One of the signs homosexuality is still stigmatised is the existence of bullying among the young population and Bjarki states, from his experience of working in an administration, that the question is not fully understood in its whole among the decisional authorities: that is the specificity of how it touches the life of teenagers that will have to bear this stigma all their life, compared to other types of bullying. There is no need to come out to be bullied at school. Children and teenagers are feeling the differences, even if it's not strictly identified as homophobia. Some interviewees have been bullied while not even out, just because they were looking effeminate or tomboy. In the sample, only few of the respondents have been out at school but some have been mobbed all the same.

In the same line but slightly different, Elín, 27 years old was out during her high school years and thinks people refrained from telling jokes about homosexuality in her presence, suggesting this kind of jokes were common.

Bullying has an effect on the course of coming out. The fear is present in this period of fragility. It can be something you have lived but also something you have witnessed. If it doesn't bear the same level of damages, it has also important consequences on the life course.



Lilja, 27 years old, knew she was lesbian as soon as 12, but as she was bullied in school at 14, she suppressed her feeling and got a boyfriend. This delayed her process of coming out which occurred at 17 years old.

Erla, 29 years old came out around fifteen but wanted to change school because of the atmosphere. One guy was bullied and she wasn't feeling comfortable in staying in the same school.

### *Effect of coming out*

The period before the coming out is difficult to live while most often, the period after is a relief. Retrospectively, most of the interviewees think therefore that they should have done it earlier. The reasons of this relief are various. Ísak said he became closer to his parents after having done his coming out to them. For others, the relief comes because it is difficult to hide one's feelings, not only not being oneself but also lying to the others about what you are. Kjartan, 33 year old "*to me to come out was leaving the lie behind and start living as oneself*" (IS01 Kjartan).

## ***2.2. Coming out in the family of origin***

Family and family ties are very strong in Iceland. It is often the case in small population and insular countries. The topic will be expanded later in the parenting chapter of this report. This close relationship to blood relatives doesn't prevent friendly ties which however are difficult to consider as family of choice as break up with the blood families is not widespread. However, if ties are not severed, it doesn't mean homosexuality is always accepted well in families.

Few break-ups have been noticed in the first waves of interviews done in 2004. It is difficult to say if it comes from sample bias or a progress in societal response to homosexuality. However, most of the old generation coming out have been done later in life course when respondents had settled down in life and society<sup>22</sup> and had social and economic independence from parents.

Most of the respondents say they had no major problems at the time of the coming out to the close family. However, the parental reception is various from one to another, a delay in acceptance, a suggestion of bisexuality that reassures the parents,

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<sup>22</sup> Digoix Marie. 2013. *Coming out et ordre normatif en Islande*. Ined : Documents de travail, n°198, 144 p.

especially when the respondent had a previous heterosexual relation or is coming out very young. Everything then indicates that the homosexuality of one's child is something out of the norm and not particularly welcomed.

For example, Sveinn, 41 years old said it took some time for her mother "*I think that in reality she just felt the shame and that she was being put in the middle by having a son who was different than all the others and would be stared at. My father on the other hand, he just went "yes" which was unusual at the time, that the man took it better*".(IS08 Sveinn]

Overall, in this sample, which was not the case in the previous waves, only few respondents have declared very hard times among the family and the only rejection came from an alcoholic father that had already more or less broken ties with the mother and child. (IS15 Halldór).

Yet, Ólöf's mother took half a year to accept it but Ólöf, 50 years old, had support from her brothers at the time which kept the family united. However, Ólöf mentions the extended family prejudices which may indicate an overall negative atmosphere. Aþena, 23 years old, came out to her family at 16 but he mother didn't react well thinking she was too young. This is a typical reaction from parents who identified an early coming out as a transition period of instable teenage years that may be reversed.

People are thinking a lot about the coming out and are projecting reactions that may not come. Katla, 40 years old came out at 28 years old and was expecting that kind of reaction, which prevented her from coming out earlier "*I realised that certain prejudices I expected from them, that everything was impossible and "are you sure?" and things like that came mainly from myself*"(IS03 Katla).

#### *The other members of families*

Acceptance can be tricky sometimes by siblings, Sveinn mentioned "*My brother stopped talking to me*"".(IS08 Sveinn], but it is different from parents of whom you are socially and economically dependent. One respondent had also problems during few months with one of his children. This is of course complicated for children to assume the stigma of their parents while they are not grown-up yet and are exposed to a teenage or younger environment.

### **2.3. Coming out at work and in the society**

(Discrimination and homophobia will be discussed in chapter 6)

Coming out to family and friends is a one-time event while coming out in the society is constant. Family ties are strong in Iceland and it plays a role in the reception of coming out. If for some people, it seems difficult to accept the homosexuality of one's child, it is still something to deal with for emotional reasons while in the workplace, at school or in most situations in society, people meet people for practical purposes: the links are not related to the individual but to its function.

Most if not all the interviewees are out in their workplace. The effort taken to come out to the family and the relief afterwards are leading them to stand out in life even if, like Stefan, 49 years old, coming out still asks some energy and courage "*I think it is important but I always have this fear of rejection (IS14 Stefan)*".

The social climate, in Reykjavík at least, if not purely ideal, allows people to do it, while when moving or travelling abroad or even sometimes in Iceland, they are not systematically taking this decision.

Hrafnkell (IS23 Hrafnkell), always out in Iceland, while moving temporarily with his partner in Europe didn't dare to tell their landlord due to the doubtful climate he found in this country. To a lesser extent, Ísak (IS25 Ísak) moving from Reykjavík to another region of Iceland felt a little bit unsecured to come out regularly, especially when in the countryside.

*Different strategies are used to let people know.*

The coming out to colleagues and strangers seems more or less complicated according to the personal situation. The most common for interviewees with a partner is to talk about life events shared, naming the significant other (IS21 Elín) as its spouse or partner. They all found that easy and convenient, quite natural even when correcting a misinterpretation of the person speaking with.

On a more subtle way, some say that they are including queer activities in their CV so that employers know who they are hiring. Given that, it happens that one respondent has been outed by his boss (not in a harmful purpose), which surprised him as unprepared. Coming out is still something you have to think about for a lot of respondents.

At the extreme, Ólöf, saleswoman, has been fired of a job because she was lesbian “*The next time I was hired I just said in the interview “I’m just letting you know that I’m a lesbian and I want it to be clear from day one so that I won’t suffer for it later and I want you to tell everyone who works here.”*”(IS02 Ólöf)

Quite a lot of the respondents are trying to lead a life where, even if not in the closet, they wouldn’t mention it if not necessary. Katla don’t tell but don’t hide, wearing sometimes some signs (a badge from LGBT association for example) to let people know.

Ólöf has a share view “*Visibility matters but sometimes I’m just not in the mood. Can’t be bothered discussing something people can’t understand and have to make an issue out of.*” (IS02 Ólöf)

Sveinn, 41 years old, changed his process with time. He used to wait to know more his colleagues before coming out at work while now, he tends to tell it straight at the beginning of their relationship. He also feels having a husband is a lot easier than when he hadn’t when engaged in this process.

#### *Showing affection in public*

Most of the respondents feel confident to show their affection in public, holding hands or kissing for example.

Stefan noticed a change in his attitude due to the favorable atmosphere “*recently I also feel that it is getting easier but I did at first a bit as a statement.*” (IS14 Stefan). However, this is not widespread when they travel abroad which means that he feels confident in Iceland (see homophobia chapter below).

#### *No choice coming out*

Some particular situations force people to come out. Sigrún, for example, had no choice when her partner gave birth to their child. Because she was a young mother without having carried the baby, having a parental leave instead of a maternity leave, she felt that she had to explain.

Another situation occurred with Ásgeir, 22 years old who thinks everyone can see he is gay from his appearance. Coming out to stranger has never occurred to him “*I never have to tell people I’m gay, they just see it on me*” (IS19 Ásgeir).

Águst is transgender and had to come out twice, first as an homosexual, second as a trans “*I found more tolerance and acceptance for being gay than for being trans*” (IS29 Águst). The situation of transgender and intersex people is particularly outlined as difficult at the time of the survey in Iceland, even regarding their position in the homosexual circles. This has been mentioned quite a few times by homosexual themselves.

### **3. The Couple and legalisation**

There is a clear line between the times couples were offered to officialise their union and the times before, when they were having to part with a social model they had no access to. However, as compared to other countries, the Living Apart Together (LAT) format was not very widespread as soon as people were more generally out. This is nowadays very uncommon, especially since registered cohabitation has been legal.

#### *A broad offer and some mix-up*

Since 1996 and the adoption of the confirmed partnership law; Iceland has now a complete range of possibilities offered for same-sex couples.

Table 4: Legal timeline

<b>b1996</b>	<b>1996</b>	<b>2006</b>	<b>2010</b>
	Informal cohabitation		
	Living apart together		
	Confirmed partnership law		Marriage
	Registered cohabitation		

At the time of this survey, marriage had been open for four years. The marital situation of couples is somewhat scattered in the Icelandic law as it is in Icelanders mind.

Due to historical reasons, informal cohabitation among different-sex couples has always existed until a certain extent in a country where marriage requirements were strict. This situation was also possible since a long tradition of betrothals authorising pre-marital sexual relationships leading to children born out of the

wedlock's who were legitimated afterwards. Marriages became difficult in the late 19<sup>th</sup> century when conditions to marry were the ownership of a land, leading, for example, most fishermen to a cohabitation scheme. However, people living together used the terms husband and wife, even if they were not married. In Icelandic, a married spouse is called *eiginkona* (wife) and *eiginmaður* (husband) while non married cohabitant couple could use simply *kona* (woman/wife) and *maður* (man/husband), two polysemic words<sup>23</sup>. However, gradually with time, married persons tend to use *kona* and *maður* as well. Regarding this matter, respondents follow the heterosexual scheme. They already felt confident to call themselves husband and wife when they only had access to the *confirmed partnership* device instead of “*partner*”. This was of course easiest as the term partner could not relate semantically to the legal status chosen “*staðfest samvist*”<sup>24</sup>.

To offer legal coverage to increasing unmarried different-sex couples, a legal device has been implemented in the middle of the XXth century with the registration of a common address at the National registry. This act implies the possibility to use a series of laws which give advantages to couples compared to individuals (material and social advantages). The term of this legal concept is called *óvigð sambúð* (unmarried cohabitation). People have to “register cohabitation” (*skrá í sambúð*).

In 1996, when adopting the marital device for same-sex couples, Iceland chose the term *staðfest samvist* (*confirmed partnership*) to avoid confusion with the cohabitation device while in the other countries, the term *registered partnership* was used. However, unfortunately, most of people didn't get the difference and as soon as the law passed, were talking of *skrá í sambuð* (*registered cohabitation*) instead of *staðfest samvist* (*confirmed partnership*) even if they had used the law, that is not going to the Register to fill paper forms (which was anyway not possible for same-sex couples) but to the *Sýslumaður*, a civil officer performing civil unions. It became trickier when the possibility to *skrá í sambuð* was opened to same-sex

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<sup>23</sup> Digoix Marie. 2009. *Mariage et partenariat confirmé en Islande : essence et sens de l'inégalité*. Mémoire de master I d'islandais sous la direction de J.- M. Maillefer, Paris Sorbonne IV 2008-2009. 80 p.

<sup>24</sup> However, in the other Nordic countries where the same betrothal and marriage patterns existed and the term “registered partnership” could allow the use of partner, homosexuals in registered partnership used the term husband and wife as well.

couples in 2006. With the adoption of the gender neutral marriage in 2010, this confusion disappeared for the new relationships but not for the past ones.

Respondents often confused both terms and situations and this has been difficult to find out sometimes the exact legal situation they were or had been in. Prior 2006, it is obvious they confused both situations, between 2006 and 2010, it's more difficult to find out. An additional difficulty comes with the term cohabitation between 2006 and now. Interviewees had to be probed to know whether they had registered their cohabitation or were simply in informal cohabitation.

At the time the first wave of interviews (2004), most of respondents were claiming the right to register cohabitation. As seen in the data chapter of this report, a certain pick of registration is noticed in the first years and the level is much higher than marriage which confirms this cohabitation model is appreciated by all.

The main conclusion of the 2004 survey on the topic of unions was that registered cohabitation was much needed, that confirmed partnership was a stigmatizing device, marriage was claimed in the name of equality and church marriage was highly asked as the symbolic (and customary) way to tie the knot<sup>25</sup>. Ten years after, with all claims satisfied, what is the situation?

### **3.1. Marriage matters**

*“It matters a lot to have the same laws because we are just people like everyone”*  
(IS30 Hlynur)

Respondents marital status is diverse and their personal point of view on marriage as well but there is a complete agreement on the necessity of the existence of a single marriage law.

Some people call on the human rights as it was mostly done during the fight for the opening of marriage, *“it is a basic human rights”*(IS23 Hrafnkell), *“it's about human rights, it's about equality, having the same choice”*(IS24 Vigdís), etc. others to broader considerations *“everybody who want to get married should be able to do so”* (IS29 Águst), *“you should have access to the same rights even if you don't want to use them”* (IS17 Haukur) etc. *“it was silly it was not called marriage before”*(IS16 Andri)

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<sup>25</sup> Digoix Marie. 2009. *Mariage et partenariat confirmé...*

The question of equal rights which were advocated as well in the debates is also prevalent. On a pure ideological level but also on a practical level *“It’s a matter of equality”, before the marriage law, I felt like a second class citizen*” (IS04 Þórdis) echoing Stefan *“Access to marriage means there is no difference”* ... *“It is important not being marginalized”* (IS27 Kolbrún).

#### *Heteronormative device*

However, everyone doesn’t share this point of view and this is exactly what some are contesting while supporting the marriage law. Indeed, marriage is often associated with the conformity to heteronormativity.

Some respondents stress that the recognition of homosexuality is under the condition of a certain conformity to heterosexual patterns: *“well, our relationships are equal to others. But apart from that, no, we aren't really recognized apart from our relationships. And we are not recognized unless we are at a certain age and with a certain look. We have had to fulfil preconception about who we are. So I think that in many ways we have locked ourselves even further in some heteronormative closet but I still can't regret it because there were so many people who needed it.”* (IS14 Stefan)

Equality doesn’t mean homosexuals are not different and the heteronormative path proves to be sometimes impossible. It will be analysed in the Parentality section of the report but marriage is also linked to having children and parentality is an issue for homosexuals. This is often a place of new situations and relationships that are not included in the heterosexual marriage model package. Few interviewees are complaining about that: Haukur *“it [marriage]’s totally essential but marriage is very straight”*. Indeed, 3 or 4 parent families are excluded from the legal framework. (IS17 Haukur)

#### *Social and legal institution*

It is clear to many people that marriage is primarily a universal institution that is recognized by all and creates automatic links with society. It can be desirable or convenient to use it because everyone knows (or believes in) what it represents. Having access to marriage is somewhat a necessity and not having access to it is a stigmatization per se.



For Egill “*Marriage is a formal confirmation of the relationship and a confirmation for society*” (IS11-Egill).

Marriage is also underlined as more important for social recognition than for oneself. In entering what Bjarki recognised as an “*important institution (even if conservative)*” (IS07 Bjarki), “*a framework organized by society*”(IS13 Anton) “*Marriage is an institution, it is more than something between two individuals*”(IS24 Vigdís).

And because people comply to what society expects from them, they are recognised by society. Few respondents have underlined that to be married is giving to the couple a certain legitimacy in the eyes of the others. “*...you are sending a message to society... it means we are serious with it*” (IS23 Hrafnkell, married). It is also a mean to soften relationship inside the family and for example, Stefan believes that his children accepted more his relationship because he was married.

While people had problems sometimes to distinguish between confirmed partnership (*staðfest samvist*) and registered cohabitation (*óvígð sambúð*) when homosexuals didn't have access to this last one, there is now a clear distinction in people mind between *óvígð sambúð* and marriage.

The couple in cohabitation and even in registered cohabitation doesn't send the same message “*Marriage is more serious because it's difficult to break*” (IS03 Katla)

Halldór who is single would rather choose marriage over registered cohabitation as a family model. “*I want to know that society accepts me, and also for me the definition “marriage” has more value than cohabitation. Just because the way I grew up with my mother. Marriage is a big deal in the family.*” (IS15 Halldór)

In fact, marriage is a traditional model that calls on family memory.

#### *Material importance of marriage*

While registered cohabitation gives nearly all the rights than marriage, marriage is also associated with full rights and most of people stress this importance. Ólöf for example would only enter marriage to secure more rights and clarify the economic situation of the couple. She has registered her cohabitation but marriage is a legal contract. She would find only material reasons to marry, stating she would not do a ceremony if she was to enter marriage. This is widely endorsed by most of the

respondents. A lot of them are more interested by the material aspect (taxes, inheritance, pensions) or as the legal and quickest way to settle rights between spouse and children. Because homosexual families have a lot of different components with parents and children of diverse origins, it seems important for the respondents to secure clearly their rights. *“It’s legal aspects solved in one contract”*(IS07 Bjarki). This may also infer that homosexuals have still to reflect about these material issues, either for good reasons, either as an habitus.

More direct issues are linked to marriage.

On another grounds than economic considerations, Kjartan is thinking about getting married because he has a foreign partner and that would secure him a residence permit. It underlines the importance of the legal status. When the first law on *staðfest samvist* was adopted in 1996, conditions of residence applied which made an obvious difference with married couple. The *staðfest samvist* law was obviously discriminatory in this area.

It is not necessary to be married to get access to Assisted reproduction techniques. It is now possible for lesbians in registered cohabitation. It was not the case before 2006 and that’s why Sunna entered a confirmed partnership. At the time of the survey, people were entitled to ART after two years of registered cohabitation (while it was immediate with marriage)

### *Symbolic aspects*

These practical considerations are not systematically all conflicting with a more romantic idea of marriage.

*“I think it is a beautiful ceremony or symbolic in a way. Standing in front of people and saying just “I’m going to be yours”, you know. Some kind of confirmation and also some kind of recognition for this relationship doubtlessly as well”* (IS05 Lilja)

Some people are underlining the symbolic aspect, the romanticism (IS15 Halldór)

*“we want to celebrate our love”* (IS21 Elín)

Águst is the best example of the inexplicable attraction of marriage *“it’s outdated, you don’t need a ring or a god and people to confirm your love; but I find it beautiful nevertheless!”* (IS29 Águst)

Andri *“We just thought it would be a party, sign the papers and you know. But this feeling came. “We are married” We have committed to one another. You know “I*

*am responsible for you, and you are responsible for me according to the law.”(IS16 Andri)*

For Lilja, “*it’s a confirmation of love, a beautiful ceremony... it is symbolic...“* (IS05 Lilja)and for Sveinn “*a holy arrangement... falling in love with someone and wanted to be with him”*. (IS08 Sveinn)

Few respondents associate more marriage to the ceremony, the party and the family and social gathering. For Carl, it is clearly associated with family “*sambúð is just like you know between you, and this is like, and, but the marriage thing is just like all of your family will be there you know to witness your special day”* (IS22 Carl). This social event is attested by Sveinn “*the ceremony matters for family and friends to celebrate your love with people around”*. (IS08 Sveinn)

Hjörtur is cohabiting and would like a ceremony to celebrate love and a gathering in a beautiful place.

### **3.2. The wedding**

#### *Church ceremonies*

As mentioned, the possibility to be married by the State Church was a key to the opening of marriage. Debates were vivid concerning the tepid position of the State Church which finally, after accepting to bless confirmed partnership in 2008, had to comply to the government politics to adopt the gender neutral marriage law. It has been progressively accepted in a particular context. During the tumultuous years of discussions, a lot of homosexuals unregistered from the State Church as long as their heterosexual friends. As for access to marriage, claims to access Church wedding were also a matter of principle (“*those who want to get married and have a romantic moment in church, I think it is very important that people can have that*”(IS04 Þórdís)), but a lot of interviewees of the previous waves had either used a ceremony for their partnership confirmation, either had mentioned it as a wish. The ceremony was already made possible before marriage itself and was highly demanded.

Ten years after, the church ceremony seems less mentioned in the 2015 sample compared to the previous waves. A lot of more various wishes appeared for those not yet married. Perhaps the long discussions in the Church authorities have turned down the desire to stick to traditional church and opened new views.

However, as seen in a previous work<sup>26</sup>, marrying in church is not necessarily a question of faith. It's a question of habit and customs and sometimes romanticism. *"I have a lot of friends who are not religious or anything but suddenly get married in a church or something like that. So you see that this institution is very conservative and just an inheritance. This is an old social order which shines through and social recognition and the people say "well, we just do it for security's sake" or something like that. What security? I don't know. And also to christen children"* (IS07 Bjarki). Hrafnkell is one of those who belongs to this category. At the time of his confirmed partnership, it was not possible to get a blessing by the State Church; although not religious, he registered to the Fríkirkjan í Reykjavík to have a church ceremony *"he [the priest] promised me that it wouldn't be like very religious and then we had the ceremony and he totally kept his promise, it was a great ceremony."*(IS23 Hrafnkell)

The link between faith, church and marriage is therefore quite complicated to analyse. Haukur says *"it's a norm [to get marry in church]"* (IS17 Haukur). In Iceland, the church, as a place, is disconnected from Church, the body of religion. Lilja is not a Christian but confess *"I think churches are beautiful. That is the only thing that would make me choose [a church]"* (IS05 Lilja). In a sense, people are performing non-religious marriages in Church as a pure wedding ceremony place, sometimes customary.

A custom that involved the family. It is also a mean to erase the difference in family gatherings, a normalisation of homosexuality. In the previous waves, a lot of parents were afraid at the time of coming out their children would not be able to continue the traditions, to marry in church, to have children, etc., the performance of social habits they are attached to and those possibilities now are normalising the situations of homosexuals in families.

*"...when you have seen all the marriage ceremonies in the family, those of my sisters, then "I also want to do this"* (IS03 Katla)

Few of the respondents are religious but of course those who are want all the more to continue these traditions. *"I wanted a church wedding. My wife wasn't as enthusiastic but she agreed because I am religious and she isn't and I liked to be*

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<sup>26</sup> Digoix Marie. 2009. *Mariage et partenariat confirmé...*

*able to confirm our love in marriage and show everyone around us just how normal this love is.”(IS10 Sigrún)*

#### *Other ceremonies*

Marriage is for most of the married or “wishing to marry” people a special moment to celebrate, in small committee or to launch a big party. Some yet definitely out of the State religion are having different ceremonies to celebrate their marriage.

There is a brand renewal of paganism which is called Ásatrú and which has always accepted to celebrate same-sex unions “*we are going to get married in the Heathenist organisation because I'm registered in it then we need to; we don't believe in it literally but I have a friend who is a god and he is going to marry us and to me it's of course more a tradition rather than religion so to me it's just a beautiful tradition*“ (IS21 Elín)

On a more secular way, Siðmennt, a humanist organization is performing civil ceremonies that are much praised<sup>27</sup>. Ólöf rules out absolutely the religious ceremony but when reflecting about marriage says “*If we did this, I would probably get a representative from Siðmennt to make the moment a bit nicer*”(IS02 Ólöf). So would Hjörtur “*I am as likely to get someone from Siðmennt*”.

Apart from these, respondents have other ideas to make this moment more special: Haukur has chosen a different way to perform his wedding “*We try to stay out of anything that is called social norms*” with a guru celebrated their union on a beach at night. “*a small ceremony with closest friends and relatives. And then escalate to a party 300 guests on a Saturday. But the main ceremony will be held at night when the moon is full, just the two of us and her [the guru] at the beach, a spell and a blessing.*”...“*We have to make our own versions of it. We don't have old traditional laws, we are without a tradition. We get, to some extent, social approval to remain different. Yes, we are within some classical frame, like marriage but I think that we could make our own version of it, new angle*”. (IS17 Haukur).

The discussion around marriage in the interviews seems to indicate how much it has been incorporated by the population as something central to life course. Already with the discussions around *staðfest samvist* law in 1996, homosexuals showed no

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<sup>27</sup> <http://sidmennt.is/veraldlegar-athafnir/gifting/> (retrieved September 2015)

differences with heterosexuals as regards to the institution, and thus, the variety of opinions and behaviours is as wide towards marriage. There is one common law of marriage, but a multiplicity of uses of marriage.

#### **4. Parenting**

Iceland has with Ireland the highest birth rates of Europe. Children and families are at the choir of Icelandic society. This is also why, as soon as the *staðfest samvist* law passed in 1996, provisions for legal custody of partner's children were included in the law (as opposed to the other Nordic countries) and when discussions on the laws related to parentality occurred, Iceland have always been in the forefront in every steps.

Every legal aspects concerning children are ruled by a special law, the "Children Act" (*Barnalög, no. 76/2003*). All the legal progresses have been made "in the interest of the child". In a small country like Iceland, every situation is a matter of concerns, that's why the progresses towards the law have been monitored and quick. The structure of Icelandic family has many forms and that's why the legislator has created the cohabitation status. In the most seen Icelandic union pattern, the first child is often born out of wedlock, many families are recomposed. The question of parentality was important as soon as 2005 when the first series of interviews was performed. Already by then, homosexual parenting was included in the life of respondents. Homosexuals had children from previous heterosexual relationships, when they didn't have access to assisted reproductive techniques in Iceland, lesbians were going to Denmark or where it was possible. Therefore, children are part of the landscape since the passing of the first law in 1996.

Sóley discussed this relation to children as typically Icelandic as she felt pressure to have a child from the social surroundings "*we, in Iceland, we are so consumed with having children... ...I think people don't realise that in general, it isn't like that overseas... people are constantly being pushed and pressure*"(IS18 Sóley). This is echoed by Sunna as her mother who had four children was relieved when she became a mother. She was worried her only daughter as lesbian wouldn't have a child, and when she had one, it paced their relationship. So was Sigrún, married with two children "*I think both families worried when we came out that we wouldn't*

*have children. It was kind of like “we won't get any grandchildren from her.” So they are very happy with these boys”.* (IS10 Sigrún)

#### ***4.1. Children from previous relationships***

Now homosexuality is more visible, the constraint of hiding or/and having an heterosexual relationship will decrease while children born in homosexual relationships are increasing.

Five of the oldest of the sample have children from an heterosexual relationship. After the coming out, they all kept contact with their children, no rupture was recorded.

However, this was not easy for Hlynur (IS30) who had a hard time during his heterosexual divorce and had to give up the idea of share custody to a “weekend dad” scheme having his children only two weekends per month. In case of conflict with ex-partner, it is still difficult to lead a fight for share custody with an homosexual background. Even if it is not a matter of legal reasons, when the separation is not in good terms, the homosexuality of one parent is an additional stigmata for children than the homosexual parent feels difficult to impose.

Stefan as opposed to Hlynur managed to get share custody of his two children at a time when it was not common for fathers but thanks to his good relationships with his ex-wife. If it caused some questioning in his ex-wife surroundings at first, he had only positive response from people around. However, it changed the life of his children. He believes that queer parenting is bringing more tolerance to children. “...*It has totally shaped their lives, it has changed them radically*”. Because they had to understand and explain to others, it gave them strength, living also with two step children of their mother. Hlynur recognised as well that the annual participation to Reykjavík Gay Pride seems also something important in their upbringing. He’s proud his daughter is raising her own son in this spirit of tolerance.

Another example is found with Águst (IS29), transgender. Before coming out and starting the transformation process, he felt obliged to go to the *Child protection services* to wonder what effects it could have on the custody of his children. It didn’t have any effect but Águst finds the society is not adapted to the change of sex, especially regarding parenting, wishing that everything involving a parental act (school, medical, etc. authorisation) would figure parent or “legal guardian” instead

of “mother” or “father” (it’s in fact starting to be the case in school as mentioned by some parents in the sample). While reflecting on having other children, Águst wanted to mention the fact that transsexuality is considered in Iceland as a mental illness barring people from adopting. Additionally, it has been quite difficult for one of his children to accept it.

#### ***4.2. The parental project***

The parental project is of course a lot different for males than for females who have more choices, or more freedom of choices.

Lesbians have legally access to ART since 2006. In the previous waves of interviews, respondents had gone to Denmark where it was not illegal. It is legal now in Iceland through Art Medica<sup>28</sup>, the only Icelandic institution specialised in ART. Most of the lesbian mothers in the sample have gone through Art Medica process. Some have prepared their parental project in participating to a forum called *Draumaland*, but also getting information from mouth to mouth, lesbians who already went to the process or LGBT association gatherings.

#### *Sperm donor*

Respondents who used Art Medica are overall very satisfied with the process and doesn’t feel inequality with different-sex couples, except Lilja (IS05) who felt had a different treatment compared to heterosexual couple, having been obliged to take a known sperm donor.

*“Lesbians choose a known [sperm-NDT] donor but straight couples choose an unknown donor. You know, because there is a mother and a father then they don't have to know who the donor is. But if there are two mothers then of course let's have it open if the child is going to need a father figure at some point. No, I don't know. They don't put it directly like that but that is the mood a little bit.” “There is an emotion which arises when you are choosing donor sperm. This may be the first time in my life that I feel my sexual orientation inhibits me in doing something.”*  
(IS05 Lilja)

This is not clear from the other respondents who used Art Medica that a known donor was imposed. Inquiries made with the institution lead to conclude that this is

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<sup>28</sup> <http://www.artmedica.is/>



not officially the case. In the present corpus, Lilja felt she was imposed a known donor but Sigrún could choose an unknown donor, so the other possibility was existing at the time of the survey.

Anyway, having a known donor leads Lilja to think about creating an external blood relationship in between the first and the second child they want. Her partner carried the first child and they want to use the same donor when she will carry the second one.

On the opposite, Erla voluntarily chose a known donor: *“Mainly because we didn't see a reason not to do it. We looked at research results and statistics related to the issue and it turned out, as far as we could see, that normally children do not seek their origins but it can still be extremely difficult if you deny them the possibility. And if our daughter becomes interested in knowing where she comes from then I think it is okay that she does.”* (IS12 Erla)

The existence of a known father is something still in the discussions among the gay community which proves the biological filiation is not in a way to be fully replaced by the parental filiation: *“We have had this hot discussion once in a gay pride party where there were mostly women there who had kids and the discussion was: “There is no father”. But for sure there is a father! You cannot deny that, naturally there is a sperm involved. And for sure, the kid is going to ask about it and no matter how well you raise it, this can always become an issue during adolescence for instance. And this can always be used against you that you did not allow it.”* (IS17 Haukur)

But it is also maybe because Lilja didn't want any other figure in her parental project. She didn't want to have a child with a male friend *“I just want to have a child with my partner and maybe it is also difficult to know immediately when you have the baby that you will have to share it every other week with a person who doesn't belong to the relationship.”* (IS05 Lilja)

#### *Egg donor*

On the other hand, the possibility to choose the egg donor seems to puzzle Lilja. She found very heteronormative that the people are worrying about the biological side more than the social one and either make this switch between the mother and the donor or mixing the eggs so they don't know which egg is going to succeed. They personally decided her partner will both give the egg and carry the child.

This question shows all the reflections and choices that couples are required to do as part of their parental project. Having a child in an homosexual couple, is not only a technical issue but also an ethical issue. With the extent of current reproductive techniques, women get wider possibilities that increases the complexity of the parental project.

#### **4.3. Homemade “out of law” children**

Art Medica is framing the parenting of the couple in compliance with the law. Desires to have an extended family to bring up a child, with more than two people with male and female figures are also mentioned in the interviews. In this case one or two parents is/are legally sacrificed by the marriage law.

Sóley (IS18) went to Art Medica as single but it happened that her child is finally born from a “homemade” attempt with the sperm of a friend and a syringe. The biological father is the legal parent of the child while her partner has no right, all the more than they aren’t registered, nor married. This is one of the cases where the law seems to be short of configurations, as the three of them consider they are parents of the child but only two are recognised by the law and the legal system.

This is the same with Sveinn whom husband, while he is in confirmed partnership (performed in 2005 so before the marriage law), has no right on the children he has with a female friend. *“...if I die today my husband had better be in good relationship with the mother or our children because he has no rights at all which also has emotional consequences for our relationship and the parenting”*(IS08 Sveinn) He always wanted to have children and he thinks it was about the time to start a family with his partner when a friend of him came to propose him this “homemade” solution that worked well.

However, he feels that the impossibility to have this legal framework as a three parent family encourages people to lie. They sought advises from doctors and were helped but *«we felt that we were being advised to lie to the system”* (IS08 Sveinn). He too missed the legal framework from a social point of view as well *“...I have felt that it is an issue in my home. It can be difficult to deal with, for instance for the grandmothers and grandfathers who are not related by blood. It took them a longer time to connect because people are afraid of starting to love something and then it is taken away from them”* (IS08 Sveinn)

#### **4.4. The impossible parenting**

The parenting with friends is the most praised among the aspiring parents “[...] and I have discussed this and it would be our first choice to get a friend or a couple to carry the baby and be a part of the child's family. That would be our first choice. Like the situation is today, you don't really look into adoption. That is just a closed door.”(IS01 Kjartan)

There is no adoptive parent among the respondents of this series of interviews. There is little possibility to adopt in Iceland. Quite a few interviewees would like to adopt, men of course but also women. Andri is quite adamant “*If I have kids, then it is adoption*”. [IS16 Andri)

On this topic, respondents regret that the government is not working on agreements with countries which are unfavourable to same-sex couple adoptions.

*“There is something lacking. What should we do as gay men? How can we have children?... ... There has been the rights to adopt for years, but not a single gay couple has managed.”*(IS17 Haukur)

Ingibjörg when talking about having children would favour adoption over AMP but thinks it's not realistic “*we would you know, go through insemination, here mainly because it takes so long to adopt and we haven't even got contracts with countries that allow us to adopt so you know, but we would like to adopt*” (IS20 Ingibjörg)

Discussing parenting, Hrafnkell likes the idea of a four parent structure even though he hasn't really fully thought about how the time and practicalities will be shared between parents “*well our first choice of course, would always really be to find a lesbian couple, that is totally the first option*” (IS23 Hrafnkell) Then he doesn't completely ruled out adoption or surrogacy if it was legal.

#### *No illegal surrogacy*

Even if most of the respondents admit they would bypass the law to have children, as they were doing before when it was impossible to adopt or to have access to AMP in Iceland, they all are reluctant to surrogacy as long as it is illegal in the country. They would like a reflection about it that would eventually change their mind or at least would dismiss their doubts. Bjarki: “*I hadn't really thought of seeking out a surrogate. I just think that there are too many ethical problems with it and competing interests and rights.*” (IS07 Bjarki). Sveinn thinks it should be

legal in countries where it is ethical “*where you are not abusing people*”(IS08 Sveinn)

Halldór is clear “*I would choose surrogacy which isn't allowed at the moment but apparently they are reviewing it to an extent.*”

*“it [having children] is not the most simple thing to do for homosexual men. It would really only be possible by adoption. You know, I wouldn't even consider surrogacy. I don't think it is that important to pass my genes along in order to put another person through carrying a child and then have it taken away from her. You know, I just think that would be too selfish... I could never imagine using that option, even if it were legal. That isn't something I can do.”(IS11-Egill)*

Male homosexuals have thus less possibilities to have children but it doesn't mean they are not willing to have some. The atmosphere, the example of others, lesbians and gays, everything leads to conclude this is something possible and the desire to be parent is not questionable.

#### **4.5. Being a parent**

No particular issues have been noticed among the parents of the sample. They are well received and in general mostly believe they are considered just like other parents

Sóley, who has a child with her partner and a gay man, thinks her family structure is not single out among all others which are recomposed families for example. She believes the fact that having a foreign partner and the child acquiring a double language would be more their particularity than the fact they are lesbians with a father outside the couple. “*But I feel this is because we are in Iceland and Scandinavia, but if we were for example, in England, it would never be the dominant factor*”. (IS18 Sóley)

On the opposite, Bjarki still thinks this three-parent configuration is not welcome by some. “*you know that that it is the traditional meaning, that a family means people that give birth to one another but there are all kinds of families in our modern society. People are adopted, we have stepfathers and -mothers and everything like that. Adopted children, foster children and all kinds and we call that a family. But still, I think it bugs a lot of people and I think that often both things bug them, that*

*there are more than two parents and the parents are also homosexual. It is often intertwined” (IS07 Bjarki)*

Stefan thinks that overall the reactions were good, that most of the people are just curious. *“There was support from both our families, but maybe more from one than the other. But what we have felt from them has been very positive.” (IS14 Stefan)*

Organization between the three parents is clear and after the biological mother took parental leave, he will take his. However, these arrangements are still new (or newly voiced). He experienced the administrative issues of not being the partner of his mother’s child in the health care system and felt he had to come out every time to explain it. When they went to medical visits together during the pregnancy, they were considered as a straight couple, which he thought was funny.

Sveinn who has two children with a friend organized carefully their parentality *“We were preoccupied with writing everything down, to have everything down on paper, even before the child was conceived, so we would have a written agreement about, you know, right of access, finances and everything. We would have shared custody and just everything”* and the way daily life is organized, with parental homes and gatherings *“...try to do it in a way so the children can have an integral family life... .. it has worked out really well” (IS08 Sveinn)* . This is sometimes not only to

establish their parental rights in a way or another to eventually proves something but also in between them, to know exactly what they are involving in their project. Being a parent seems also to comfort respondents’ position in social context.

*“I think society is more welcoming towards and considers you more of a full-fledged member when you have children.” ...“I just think it is very important to spread the message that it is okay to make queer families. And we get very positive comments on it, or people view it in a positive light” (IS08 Sveinn)*

The multiplicity of family forms in Iceland is allowing hopes the specificity of homoparental families is taken as no more differences than other family configurations which deviates from the simple nuclear family model. It doesn’t prevent of knowing they are in different configurations than others but it looks like they feel confident to be accepted as such.

Having children for homosexuals means to be visible, most of the time as homosexuals, but as parents seems to be prevalent in the eyes of the others.

Sveinn is observing tightly the social environment of his children because he thinks maybe they could be bullied at some point later in school. However, he's confident because *“every kid in one of the classes at the kindergarten had two homes. And there are kids who have more fathers than they do. I think we have already broken up [in Iceland] this classic family unit.”*(IS08 Sveinn)

Sigrún who has two children is also quite confident: *“people rather say that they have heard that homosexual parents are often better parents or that children of homosexual parents do well in life and are not excluded, even more often than other children when it comes to how they are feeling and such things. I feel that people talk more about that than something negative”*(IS10 Sigrún)

There was no problem as well for Auður *“my friends are just wonderful and even though they are all heterosexual then it doesn't really matter. It has just never come up that we are somehow different.”*(IS09 Auður)

Coming out as the non-biological mother is usual for Sigrún and she has often to stress that she has a wife, people assuming that because she has a child, she has rather a husband. However, this kind of disagreements in her life are minor. *“I don't feel that I'm different in any way. I just belong to my family and sometimes I pause and go “yes”. Then I have forgotten that I don't belong to this normal family. So I just feel that we are this totally normal family”*.(IS10 Sigrún)

## **5. Homophobia and discrimination**

Discrimination is protected by law but homophobia is mostly taking place anywhere in situations law is not an option to call on. There is a clear difference between discrimination cases that can be taken to court and ambient homophobia in everyday life, even if it comes from the same mechanism of hatred of the difference and it can have the same effect on people wellbeing.

The respondents are all experiencing in their daily life their difference, from micro harassments to violence.

Everyone agrees the society has changed and the oldest of the sample are more likely to relate events of highest degrees of homophobia. However, it seems difficult without a deep analysis of the social context to see if the changes observed are coming from a decrease of homophobia or a politically correct silence over personal thoughts that is not possible nowadays to voice. It is also difficult to tell if

problems are more numerous than before or if events related are more mentioned because of the social climate which is more favourable to denounce any issues.

The systematic fight, when it's possible, against anything illegal, word or act, is one of the ways Iceland has found to raise awareness around homophobia.

For example, in April 2015, the LGBT Association Samtökin '78 has file charges of hate speech against 10 people making homophobic comments on the internet about a project of having a course of Gay studies in school. As it was repealed without any investigation, the association has decided to put the case to the State Prosecutor and further more if not received, to the European Court of Human Rights.

### ***5.1. Discrimination***

Some cases of discrimination at work arose but it remains complicated to prove. Although it has been a long time ago, what happened to Ólöf, 50 years old, is emblematic of those unknown but existing cases. She went through a difficult period when she had been victim of discrimination that she couldn't prove.

*"...I've lost a job because I'm homosexual. My boss just couldn't handle it but gave another reason. And I protested, got support from my union and didn't have to work during my notice. The union wanted to make a test case out of it but the witnesses' statements weren't clear enough so it wasn't a bullet proof case. My life has been threatened and people have threatened to ruin my life. They called my work place and called me a pedophile because I was thirty and dating a twenty year old girl."*(IS02 Ólöf)

It is always very difficult to enter a public trial, not only because homophobia is often difficult to prove but also because it raised attention and stirs around the victims at the time they are the most vulnerable. However, some managed to go through all the process and in the previous wave of respondents, a case occurred and has reached the court. The respondent won the recognition of the wrong, even if it was difficult to endure<sup>29</sup>.

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<sup>29</sup> Digoix Marie. 2013. *Coming out et ordre normatif en Islande...*, p.100-101.

### *Ignorance*

Homophobia comes often from ignorance of the other. Ólöf thinks the society doesn't understand homosexuals and is regretting people are not asking things that she is willing to explain *"People are afraid of asking about things they don't know. They prefer to be silent"* *"When people just ask "how is it for you?". When they are positive and just want to learn. Then I think it's great. Because I sense that they are seeking knowledge. And people have said to me "I just want to know more, I just want to gain a better understanding". And I think that is very positive but also very rare."*(IS02 Ólöf)

Progresses in acceptance are linked to the acquaintance with homosexual people, in learning they are not different from the others, apart from their sexual orientation. With the adoption of the laws, with public discussions and more persons out, respondents notice a positive difference in acceptance and praise for more visibility. Prejudices are felt *"More from older people. People who are more ignorant or don't know anyone who is gay or lesbian."*(IS05 Lilja)

However, Ólöf believes homophobia has perhaps not really decreased but is maybe unvoiced. It maybe even doesn't only apply to general population but at the highest level, where it is assumed it shouldn't be *"The last 10–15 years there has been a very positive development and without it we wouldn't have these rights. We have these rights because people in all political parties thought this was the right thing to do and those who disagreed just had to shut up, understand? But I'm positive that many people in parliament just did not dare reveal their prejudices because it wasn't likely to make you popular"*.(IS02 Ólöf)

If encountering insults seems still quite common, the level of how it is received by people is different from each individual. It depends also from the situation.

Some respondents try to not pay too much attention on what others would call prejudices *"I just make sure I don't get into that, to get upset over everything you know, I think people often say things just without thinking, they don't mean anything by it"*. (IS25 Ísak)

Kjartan choose most often to ignore them. *"that is very common. It is really a part of my line of work. It is very common. The computer and technology field, it is very male focused. Women and gay men on the other hand, not like there is violence or*



*deliberate prejudices, but it still arises because, I really don't know. It is a boys' club, you understand? I think I'm just really well trained in ignoring it.*"(IS01 Kjartan)

þórdís refers to homophobia "by default". She describes informal discriminations that tend to affect her couple, at work when she is not asked about her partner, in the family when the status of her partner is not clearly assumed "*you sometimes experience it informally in your daily life. You feel these hidden attitudes. Maybe you are going to a family gathering and then you hear an old aunt say "yes, your girlfriend", no "you friend". You know, these attitudes that make you think, yes, you are not at the same level as others.*"(IS04 þórdís).

This kind of attitude is widespread and Lilja also complains about it "*I don't know if discrimination is the right word or if it is more a matter of exclusion. Or you know, they don't ask "but your partner?" People avoid things. Maybe people are more afraid to discuss things, something like that, rather than it being clear cut discrimination.*"(IS05 Lilja)

Everything leads to conclude that the difference of homosexual and homosexual couples is still something difficult to handle by people, whatever the reasons.

## **5.2. Slurs**

It is also not rare among the respondents that they have been injured, mostly males but also lesbians. The slurs are most often reported coming from two different backgrounds. Young people and drunken people are single out. This is not only reported by the oldest in the sample but all generations are concerned.

*"as a boy I was teased, and amongst other things of course all boys, I think all boys who are teased get called gay. I think it's just like that, it's a given"* Hrafnkell, 37 years old (IS23 Hrafnkell)

*"þórdís, 51 years old, " I've been shouted at. I was walking from 22[a queer bar at the time-NDT] once with my [...] girlfriend. I can't remember when this was. It was in 2000 or something. And there were these drunk guys who shouted at us "fucking lesbians" or something like that. There are these incidents in restaurants/bars and dances. Certain antipathy, yes. That is my main experience".(IS04 þórdís)*

While stating he hasn't been victim of violence, Halldór remember he has been abused on phone and called "faggot" by a customer. He still remembers clearly how

bad he felt: *“And after this call I didn't know how I should feel. I was both angry over being treated this way and also over how he was commenting on me as a person. I just had to put the phone down, go out and get a coffee and a cigarette and just have a 15 minutes break, just to breathe. This was the first comment I'd had of that nature and I didn't know how to handle it.”* (IS15 Halldór)

The vocabulary used for these slurs is one of the problem, the word faggot for example being particularly widespread and applied to any negative situation. *“... In particular with people that did not know. So we had those walkie-talkies, everyone had, a group, and it was the wording. “Fucking faggot” and I even began, if I heard this, I replied. “Did you just call?” Somehow to get people to realize that they were actually... you know you have a person of colour on the line and you don't talk about fucking negros. Prejudices are just ugly”*. Hjörtur, 27 years old (IS28 Hjörtur) And this is something difficult to change because as Hjörtur commented on it, it didn't have any effect *“then they realized. But for them, and this is quite annoying, for them this is no big deal, because they do not mean it.”*(IS28 Hjörtur) The word has passed in the common vocabulary and is sometimes disconnected indeed of any real meaning but it is nonetheless a trace of stigmatization that has a great effect on people concerned. It still associates homosexuals to negativeness.

It is more obvious when it shifts from oral to written threat. Elín mentioned her shock because her brother's car has been tagged in a very quiet area near her parent's house, in a neighborhood in which they are known.

*“I had a rainbow sticker in the rear window like a heart in the back of my old car which I sold to my brother and my brother always had this sticker there and one someone one morning um he noticed that someone had scratched “homo” in the car paint”* (IS21 Elín)

### **5.3. Violence**

If violence is not really frequent, it is however latent and some of the respondents have experience it at different degrees.

49 years old Stefan mentioned this experience: *“I have just once been punched and I haven't had great misfortune. But it really surprised me when this man I had never seen before and have never seen since felt the need to punch me straight in the face.*

*Normally that didn't happen but I know guys who have been beaten up” (IS14 Stefan).*

While cases are not common, respondents still fear violence on grounds of their sexual orientation. The biggest fear as previously mentioned is from drunken people. Week end evenings in Iceland, as in all Nordic countries, are times of partying where alcohol plays an important role. People then get rid of their inhibitions and slurs and violence occur much more than daytime. This might be an indicator that homosexuality is still perceived as negative deep inside people who control their homophobia under normal circumstances and not on others.

*“Yes, I fear violence and I just fear ... yes, I just don't like them. And there is something very strange, especially abroad. It is better here in Iceland and has gotten better. But I still feel it's uncomfortable. I feel uncomfortable around drunk straight people, very uncomfortable” (IS14 Stefan).*

However, Kolbrún is more nuanced and does not think it is a particular stigmatization of homosexuality. *“Not more than being a woman. That even more. I even feel safer. I don't say that if I would walk down Laugavegur<sup>30</sup> around three in the morning holding hands with a woman, I would be scared to death. Because I can just as well wear a Santa Claus hat. People could start to bother you. You are making target out of yourself and there are many ways to do so. One is to be gay, in public. But I don't think there is any danger, maybe it is. The danger occurs when people are consuming alcohol, then some barriers go down that would otherwise be up.” (IS27 Kolbrún)*

For Erla however, there is a gender distribution of homophobic attacks. *“I think that girls are more subjected to prejudiced discourse but I think that guys are more to physical. I don't know a gay man who hasn't been subjected to violence at some point.” (IS12 Erla)*

The dangers of the Reykjavik night life for LGBT people have however made the headline of one of the two main Icelandic newspapers in 2014 denouncing with

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<sup>30</sup> Main street of Reykjavík where most of the bars are. Reykjavík has a very small city centre and the night life is confined in a small perimeter.

interviewees of people assaulted, the insecurity of gay and transgender persons in Iceland.<sup>31</sup>

Águst experienced this trauma and was discouraged by the police to press charges even though he was injured. *“since I look so gay, I’ve gotten into trouble. Downtown, night time...”* and explains one incident *“ they start to call us fucking perverts, faggots, fucking gays and something like that. And I got angry, turn around and say “hey, what did you just say?” And then I got kicked in the face and knocked out... .. the police came, since I got knocked out and an ambulance was called. But... The police called me, two weeks after and asked me if I wanted to press charges. And I am not sure. And then they tell me straight forward that this is a far fetch and, you know, we can never prove it that this was a hate crime. There is just word against word and if they would find some surveillance cameras, it would still be hard and a far fetch...and they convince me to just let go. And I was in shock so I just said yes.”*(IS29 Águst)

#### *Insecurity abroad*

When asked about discrimination and homophobia, respondents underline however they found the atmosphere in Iceland favourable compared to other countries. Living in a country allows you to assess better the risks and dangers in a known environment while you may fear more the unknown, but as said before, Icelanders are travelling a lot so they have an overview of different situations. They all feel more confident in Iceland. Auður has lived in several Nordic countries and has a foreign partner, she is now settled well in Iceland *“I have lived abroad for a long time so we know and are just so grateful for how it is here, that we haven't had to think about anything like that. I just haven't experienced any discrimination”*(IS09 Auður)

Even if they generally complain about the situation in Iceland, which is with no doubt part of the reasons why the country is making progresses, Icelanders know they live in a favourable country.

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<sup>31</sup> „Hinsegin fólk mætir áreitni í miðbænum: Hinsegin fólki ekki óhætt í miðborginni eftir myrkur“ *Fréttablaðið*, 21. febrúar 2014, p. 1 & 4.

*“It is more like you feel it when you are in other countries that you don't dare to be as open. More something like that. Not to hold hands or kiss or something like that.”(IS05 Lilja)*

Although it is not in the scope of this national report to detail what happens outside Iceland, it is interesting, in the comparative perspective of the main survey, to report experiences abroad. In this wave of interviews, Southern European countries have been single out as very negative towards homosexuality.

#### *Italy*

Andri went to Milan to study and he has been sexually assaulted there *“And I move to Milano and enrolled in a university ... .. it was supposed to be a three year program. One year, not even, eight months I am there. And of course I experienced, what is it called? Culture shock. ... ..First of April. Yes I think it was first of April... I was raped....which completely changed my life, you see.”(IS16 Andri)*

Erla has too lived in Italy for a while and finds the atmosphere as difficult, even if she hasn't been through an experience as terrible as Andri *“I have been in a few uncomfortable situations abroad. Always in Italy. You often experience aggression there... ..It is a very homophobic country. Extremely. Gay men are often attacked. Lesbian women ... I often experienced that I was pushed and I was spat at, you know, threatened by people who felt that I threatened them somehow”(IS12 Erla).*

#### *Spain*

Another negative experience in a Mediterranean country was mentioned in the survey by Elín.

*“I have experienced actually in Spain there was an old man who um was shouting at us because we were holding hands just something like “ahh everything is allowed today!”(IS21 Elín)*

#### **5.4. The educational actions**

As previously mentioned by respondents, the key to a better understanding of differences is education. Knowledge erases prejudices. Respondents feel it as such. If the society is more tolerant nowadays, this is because people are educated. *“People are just more enlightened and therefore less afraid. People are always going to be scared of things they don't understand and don't get but there isn't the*

*same disgusting image. I think the main issue is that people became more visible.”(IS08 Sveinn)*

Thanks to Samtökin '78, a vast campaign of education in school has been undertaken to fill up the gap that the oldest in the sample complained of. Nearly all of the respondents under 30 years old mentioned the visit of someone from the LGTB association in their school. Education serves to teenagers discovering their sexuality as well as awareness to the others, visits from people concerned help teachers to understand and deal with the particularities of homosexuality.

Lilja, 27 years old, remembers someone visiting her school *“I don't know if he was sent by someone but this was before I came out and there was something he said that really resonated with me.”(IS05 Lilja)*

Perhaps it's similar to the actions Elín is doing when visiting schools herself to inform students. She thinks that the situation is already getting better *“you know 10 years ago then I was doing this education and asked the kids “does anyone know anyone who is homosexual or bisexual?” or something, then there were maybe like a few that raised their hand who personally knew someone had a cousin or sibling or something but now just somehow then I did this education and then it was basically everyone raised their hand so it has changed a lot in 10 years”(IS21 Elín)*

### **5.5. Homosexual circles**

*“I think we are lacking a queer community in Iceland, a real lack. And um, because I feel that everyone is so busy being, being not queer.”(IS18 Sóley)*

Iceland is a small country, even in Reykjavík, homosexual circles are few and people with different ranges of thoughts and behaviours may have different preoccupations. In these particular situations, it may well refer to friends' preferences.

Respondents are shared when it comes to discuss if they feel better in a queer environment. They can be as different as possible and the sample ranges from Ásgeir *“all my friends are gay”* to Auður *“I just know very few queer people”*.

As a consequence maybe of the uncertainty about their perception in everyday life, some feel a gay environment is a place to relax and where you are free of a certain restraint. Águst *“basically all my friends are gay, and um and it's just a really easy*

*life somehow to be to have just gay friends, or you know basically, and um, becomes like a safe environment”*

Bjarki is the most adamant about feeling so uncomfortable in a straight environment “*It is a part of wanting to create a queer community and social network because it gives you a certainty about yourself and enables you to share experiences, connections and culture. It fills you with self-assurance. It gives you a positive self-image and fills you with security, of course, and you seek out such communities in order to charge your batteries to be able to deal with the outside world. I don't think it is easy to be in certain circumstances, maybe in a group of men where I am the only queer man.*” (IS07 Bjarki)

For the others, it’s much more to share on a common ground and a place where you share common experiences, not on the opposition to straight world but with people who understand you better. “*maybe I don't experience that much insecurity elsewhere. Maybe there isn't that much difference. But maybe it would be different. You can talk differently when you meet people who have a similar experience somehow. You know, you start talking about thing you don't really assume other people even understand*” (IS11-Egill). Lilja is on the same line “*It's maybe more a matter of connecting on the grounds of a common experience or something like that. What comes to mind are my friends who are lesbians and have a child. I imagine that we will want to be around them when we are in that place ourselves. Then you share this somehow, you can talk differently about things.*” (IS05 Lilja)

Only one person called on the concept of family of choice namely, Ólöf, 50 years old “*I feel, in some venues such as Reykjavík Pride, large dances and such, like I'm at a family gathering... .. this is the family I chose. And yes, you are more relaxed about showing affection and touching. Yes, I think that you are quite a bit more relaxed. That is totally true. You have fun in a different manner, with friends.*” This is not however an entity which will replace the family of origin in everyday life such as this concept is known and used in literature. (IS02 Ólöf)

Nightlife is a moment where respondents are more likely to tell they prefer queer places, especially males. As said earlier on, Iceland has a small gay community and therefore has no (albeit private parties) place, despite few tries out, devoted to the gay community only. At the time of the survey, there is only one bar, *Kiki-queer*

*bar* (in the same place as the ancient “22”), in the city center that is clearly defined queer. It is open though to heterosexuals.

On the other hands, some respondents are rather negative about homosexual community, especially when they don’t comply with a certain norm or image.

Aþena is disabled and said that on the opposite, “*I experience much more prejudices there than elsewhere.*” (IS06 Aþena)

Andri refers to the gay image that maybe he doesn’t conform to and that he thinks he’s starting to see being required in Iceland, while it wasn’t before “*I think that queer environment is extremely judgmental... Nowadays it is like “You are gay and you have to be a hot man because you are gay.”*”(IS16 Andri)

But relationships to homosexual environment are various in the sample. Some respondents seem disconnected from any homosexual circles. Auður confesses “*I just know very few queer people*” (IS09 Auður) while Sveinn feels completely integrated “*We have never enjoyed going a lot to queer venues, even before we met. We have few gay friends and then they are good old friends. I think we don't experience ourselves as gay. We are just extremely straight.*”(IS08 Sveinn)

## **6. The law and the statement of equality**

*“I think almost 99% rights, not right, so we can be very pleased here, it's a rather liberal country”* (IS30 Hlynur)

### **6.1. Iceland, the land of progress**

In 2015, the gay website *Planet Romeo* has published a Gay Happiness index where Iceland happened to be ranked first<sup>32</sup>. Is Iceland the gay paradise?

In the previous chapter, respondents testified they were feeling more comfortable in Iceland than elsewhere but as we have seen throughout the other chapters, it doesn’t mean the situation is perfect, at most satisfactory. A lot have been done but the road remains long until there is no difference in perception and treatment with heterosexuals.

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<sup>32</sup> <http://www.planetromeo.com/lgbt/gay-happiness-index/> consulted September 2015. The index is calculated with three variables, public opinion, public behaviour and life satisfaction. Iceland is first before Norway, Denmark and Sweden.



*Assimilation or integration?*

*“In these 20 years our society has become much more varied. You know, 20 years ago you knew almost everyone. And we had very strong stereotypes. And now more of us are visible, we are much more different among ourselves and a lot of people never join the queer community but just live their lives. So we just have become, I don't know what to say, we have integrated more into society”.*(IS02 Ólöf)

However, Ólöf is questioning this integration, perhaps a little bit provocative but with undoubtedly some regrets about a period where the queer identity was something particular and could be identified as a culture.

*“There is no visible culture like before when we didn't have these rights. Then it was more fun. There were a lot more gatherings and people got together and there was a stronger queer identity. But I think it is disappearing. I think that now all these lesbians who are having children and such, I think they are just entering into an established mold. Have kids and get married and stuff. And you wonder, if they enter this mold, are they still lesbians? Sure, they are still lesbians but they are mothers, and then kind of heterosexual mothers”.*(IS02 Ólöf)

Andri, as a drag queen, is supporting this idea and believes that this assimilation is the key to acceptance and not the diversity. *“We are fighting for being accepted because we are different, but at the same time they don't want to accept those of us who are really different and weird because then we are ruining their image.”*(IS16 Andri) He questioned as well the strategies chosen by the LGBT and the consequences.

As it happened, this visibility is indeed mainly derived from the unions and parenting laws. As it has been seen previously, the law is very important for the people who are always “measuring” their rights to established ones, even if they don't want to use them. In the previous waves of interviews already, most of the claims were to have the same rights than heterosexuals. The equal rights are still advocate in this wave.

*“I think it is very important, just to have these rights. I think it is important that we have equal rights no matter if we use them or not. There are maybe many people who decide not to get married, but just the fact that we have equal rights, that is extremely important. It is just democracy that people have equal rights. And yes,*

*the law of course shapes attitudes. When there are equal rights in a society it sends a certain message to the people in the country and attitudes change because of that.”*(IS04 Þórdís)

Equal rights did mean same rights in the Icelandic case. It can indeed be used or not, but the access to these rights has more values than just a legal aspect of equality. *“It has psychological effects when you are recognized, for instance when lesbian gain access to artificial insemination. It entails more social recognition. The society recognizes that queer people want to have children. I think the law helps in that sense.”* (IS14 Stefan)

Ólöf doesn't think the opening of heterosexuals patterns to homosexuals is only pushing towards the acceptance of heteronormative behaviours. *“I still think that you got recognition at the same time, because they were recognizing that we could be a couple, could be a married couple. At the same time it was a recognition that we could be lesbians or bisexual or something like that”.* (IS02 Ólöf)

In any case, Sveinn thinks that the image of homosexuals have changed a lot since his youth *“When you say “gay” today then people think of Palli [Páll Óskar] singing and the terribly many kids who desire to have their picture taken with him. Anal sex is not the first thing that comes to mind. But I think it started to change just a few years ago. Just if someone says “gay”, anal sex. “Lesbian”, licking pussy. that was just the first thing people thought about and you don't want to be thinking about that all the time and that is why they thought it was uncomfortable.”*(IS08 Sveinn)

#### *From equal rights to human rights*

Sveinn is making the link between the various fights that are still to lead in Iceland but also everywhere and believes that the Gay pride in Iceland has shown an example to unify a population.

*“I would like to see the Gay pride march as an international precedent for how something started out as a gay march but is now a bit of a human rights march and I hope that in 10 years it will be Iceland's human rights march which is always a happy march and celebrates diversity”* (IS08 Sveinn)

## **6.2. The Reykjavík pride: an institution**

One of the most spectacular indicators of a rather favourable social climate is how *The Reykjavík Pride* has become popular to such a point it has nearly become an institution.

From a little gathering of hundred people at the beginning, the Reykjavík Pride is now a big event, publicized worldwide as a cultural must of Iceland such as Wow Air, the low-cost Icelandic airline is advertising it on its website<sup>33</sup>. The Pride march in itself is taking place the last day of a one week events. In 2015, the municipality has organised familial gathering to paint with the rainbow colours the second main street of the city, Skólavörðustígur, which leads to the impressive Hallgrímskirkja, a Lutheran church, one of the symbol of Reykjavík.

In 2015, the organizing committee<sup>34</sup> evaluates Pride's participation to 100 000 people which is about nearly 1/3 of Iceland population. This huge attendance figure is fairly reliable as along the years, it has been observed with a growing number of participants (figures mentioned in the press report 40-50000 in 2005<sup>35</sup>, 90 000 persons in 2014<sup>36</sup>). 2015 was the 17<sup>th</sup> edition of the march. It is obvious that in attending the Pride, most Icelanders are supporting the rights that were claimed even if nowadays, the image of the Pride is different from what it has been at the beginning. It looks like more a national gathering than a gay event, a huge party in one of the most favourable weather period of the year and celebrated by everyone. With this strong support from straight people, it is nonetheless a success for the LGTB community.

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<sup>33</sup> "Reykjavik is an exceptionally gay friendly destination and the word is "out and proud". Join us for the best gay party of 2015. " <http://wowair.us/magazine/blog/reykjavik-gay-pride-2015> (retrieved September 2015)

<sup>34</sup> "About Reykjavík Gay Pride" <http://hinsegindagar.is/en/about-reykjavik-pride/> (retrieved September 2015)

<sup>35</sup> "Reykjavík Gay Pride a huge success".- *Iceland review online*.- 8 août 2005 (retrieved September 2015)

<sup>36</sup> "Over One-Fourth Of Iceland Attend Reykjavík Pride" <http://grapevine.is/news/2014/08/10/over-one-fourth-of-iceland-attend-reykjavik-pride/> (retrieved September 2015)

In 2016, the event reached a new step as it welcomed a supportive speech from the newly elected President of the Icelandic Republic, Guðni Th. Jóhannesson <sup>37</sup> on the final podium, while the mayor of Reykjavík, Dagur Eggertsson, had opened the parade <sup>38</sup>.

*“I'm sure Reykjavík Pride, the pride march, has done a great deal. It went from being a rights march to being a carnival which made everyone in the country happy.”*(IS02 Ólöf)

Andri is complaining about this wide spectrum of the march as if the Pride is not anymore something that belongs to queer people *“There are many who celebrate the fact that the numbers of drag queens in the Gay pride parade are decreasing. I find it sad, because it was the queens who fought for gay rights, wasn't it during Stonewall? They were the first one to stand up and fight. They should be the symbol of the movement”*(IS16 Andri).

Stefan, 49 years old finds very encouraging to see how many people are attending the Pride as the years passing by and see something more than just attending a party or a carnival. *“So just to see the people who turn up to see the pride march is awesome because it means that people are ready to take the next step, even though we will probably experience a backlash when the time comes. But people are already much more positive and now, when we talk about trans issues, it is much easier than when we talked about gay issues back in the day”* (IS14 Stefan)

As for Sveinn, the Pride is also more than just a gathering to claim rights or show the national unity, it is also a way to assess a normality. *“And there I'm with my three year old boy on my shoulders and every time a man in a dress walked by he shouted, “yuck, he's wearing such an ugly dress”, but he didn't think it was strange that a man was wearing a dress. He just thought the dresses were ugly. I thought it was a bit beautiful but we haven't discussed it. He doesn't consider himself a gay son or anything. He's just an ordinary boy who wants to play football.”*(IS08 Sveinn)

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<sup>37</sup> “Ræða Guðna Th. eftir Gleðigönguna í heild sinni: „Í raun erum við öll hinsegin á einhvern hátt“”, *Vísir*, 7/08/2016, <http://www.visir.is/raeda-gudna-th.-eftir-gledigonguna-i-heild-sinni---i-raun-erum-vid-oll-hinsegin-a-einhvern-hatt-/article/2016160809343> retrieved August 15, 2016

<sup>38</sup> “Borgarstjórinn í skreyttum vagni”, *mbl*, 6.8.2016 <http://www.mbl.is/frettir/innlent/2016/08/05/borgarstjorinn-i-skreyttum-vagni/> retrieved August 15, 2016

The Gay Pride spreads over nearly a week and includes a wide variety of events besides the Parade which is praised by general audience.

### **6.3. Society has changed**

All the respondents can only noticed the evolution of the society. Most of them are living in a complete different atmosphere compared to the time of their coming out and even the last few years have shown noteworthy progresses in people attitudes that is changing their life and the perspectives they had just only ten years ago.

From a personal point of view, Þórdís who is 51 years old thinks that socially, the atmosphere now is different around her than when she was young. *“I think it[the society] has changed extremely. Yes. I think it is very comfortable to be around people and you sense that people know all sorts of gay people, queer people, and that it is no big deal, you know, in everyday life. There have been extreme changes. You almost never hear anything negative”*(IS04 Þórdís)

Lilja is also underlining the change in society and deliberately wonders if it can be associated with the laws but the perception of gay people has also a different meaning in people’s mind.

*“I came out in 2005. It has changed, legally it has clearly changed but there has also been a change in attitudes, it is very apparent, whether it is a product of the laws or not. I just feel a lot of support and that maybe we can now talk about it. It's not just “okay, we accept it but we don't want to be aware of it.” It is more accepted to talk about your sex life and sexual orientation. It is becoming more open”*(IS05 Lilja)

Bjarki doesn’t see anymore the mainstream attacks towards queer people and feels support from the society. *“it is not the same society as 30 years ago. I think it is somehow a totally different society. I has changed completely, what people talk about and what they do”*(IS07 Bjarki).

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## List of Respondents

N°	Pseudonym	Sex	Age	Couple Status	Parental Status	Geography
IS 29	Águst	Trans Male	32	Hetero-divorced, single	3 children, previous hetero relations	Reykjavík & suburbs
IS 16	Andri	Male	34	Married	No children	Reykjavík & suburbs
IS 13	Anton	Male	50	Hetero-divorced, single	2 children, previous hetero relation	Countryside
IS 19	Ásgeir	Male	22	Single	No children	Countryside
IS 06	Apena	Female	23	Single	No children	Reykjavík & suburbs
IS 09	Audur	Female	29	Cohabitation	1 child, ART	Reykjavík & suburbs
IS07**	Bjarki	Male	38	Single	1 child, homemade	Countryside
IS 22	Carl	Male	45	Single	No children, would like	Reykjavík & suburbs
IS 11	Egill	Male	28	Single	No children	Reykjavík & suburbs
IS 21	Elín	Female	27	To get married	Trying	Reykjavík & suburbs
IS 12	Erla	Female	29	Registered cohabitation	Expecting carried by partner through ART	Reykjavík & suburbs
IS 15	Halldór	Male	23	Single	No children	Reykjavík & suburbs
IS 17	Haukur	Male	28	LAT, plans to marry	No children	Countryside
IS 28	Hjörtur	Male	27	LAT	No children	Reykjavík & suburbs
IS 30	Hlynur	Male	53	Hetero-divorced, widower	2 children, previous hetero relation	Reykjavík & suburbs
IS 23	Hrafnkell	Male	37	Married	Plans	Reykjavík & suburbs
IS 20	Ingibjörg	Female	27	LAT	No children	Reykjavík & suburbs
IS 25	Ísak	Male	27	Single	No children	Countryside
IS 03	Katla	Female	40	Single	No children	Reykjavík & suburbs
IS 01	Kjartan	Male	33	Unregistered cohabitant	No children	Reykjavík & suburbs
IS 27	Kolbrún	Female	41	Homo-divorced, registered cohabitation	No children, trying	Countryside
IS 05	Lilja	Female	27	Registered cohabitation	In process through ART	Reykjavík & suburbs
IS 02	Ólöf	Female	50	Registered cohabitation	No children	Reykjavík & suburbs
IS 10	Sigrún	Female	33	Married	2 children, ART	Reykjavík & suburbs
IS 18	Sóley	Female	41	LAT	1 child, homemade with gay friend	Reykjavík & suburbs
IS 14	Stefan	Male	49	Hetero divorced	2 children, previous hetero relation + 2 father role	Reykjavík & suburbs
IS 26	Sunna	Female	41	Homo divorced	1 child, ART	Reykjavík & suburbs
IS 08	Sveinn	Male	41	Homo divorced, remarried	2 children with partner and heterofriend	Reykjavík & suburbs
IS 24	Vigdís	Female	51	Single	2 children, previous hetero relation	Reykjavík & suburbs
IS 04	Þórdís	Female	51	Unregistered cohabitant (hetero divorced from convenience marriage)	None, but "guardian" of her unregistered partner child	Reykjavík & suburbs



# ITALY

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## **1 The normative and social framework on LGBT issues in Italy**

In order to make sense of the narratives that are analysed in the following sections, here we aim at delineating the background against which the interviews have been collected, but most importantly to sketch the social and legislative status quo that affected the interviewees' experiences. At the moment of conducting the interviews the Italian legislative system was still lacking any legal recognition for forms of unions other than heterosexual marriage and any law aimed at tackling homophobic violence, despite the continuous warnings of the European Union and the pressure of many groups and LGBT rights advocates. Approving a law has been, for subsequent governments since the years 2000s, a challenging political endeavour. During the Prodi II Government (2006-2008) two different bills reached the parliamentary vote in less than six months; the DICO (February 2007) and the CUS (July 2007). Both bills were supposed *to regulate* the relationship between two cohabiting adults<sup>39</sup>. Both bills have been fiercely opposed by conservative politicians and religious hierarchies - the recognition of same-sex couples being perceived as a threat to the 'natural family'. LGBT advocates on the other hand criticised both texts for being a weak recognition of rights. Neither the DICO nor the CUS bill ever became laws. For a long time after the demise of the Prodi II Government, the issue of de facto unions was kept off the political agenda. In September 2008, Berlusconi's government drafted a bill entitled *Disciplina dei diritti e dei doveri di reciprocità dei conviventi* (DidoRe — 'Regulation of the rights and duties of reciprocity on the part of co-habitees'). The bill never passed the barrier of the Justice Commission of the Chambers of Deputies (Donà, 2009: 343-344). Following the resignation of Berlusconi in 2011, the issue of the facto unions was pushed out of the political agenda; subsequent governments framed sexual citizenship rights as less of a priority in view of the ongoing economic crisis (Crowhurst and Bertone, 2012: 416).

The Renzi administration, in power since February 2014, had been willing to reopen the discussion. The question of sexual citizenship rights, however, was initially overshadowed by ongoing social unrest as a consequence of the government's

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<sup>39</sup> The text stated that beneficiaries of the law could be 'two persons of age and not incapacitated, also of the same sex, united by reciprocal affective ties, who cohabit stably and exchange assistance and moral and material solidarity' (translation by Bonini Baraldi, 2008: 185-186).

neoliberal policies. Only in March 2015 the Justice Commission of the Senate reached a final agreement on a text on civil unions (the so-called *Cirinnà bill*) aiming at legally recognising forms of cohabitation including same-sex couples. The bill has been approved in May 2016 and finally became law. This has been defined by many a milestone in the legal recognition of LGB couples in Italy. Others define it instead as a watered down recognition of rights, generated by the compromises within the different groups of the Government majority. In its original version the bill aimed at legally recognising also the *step-child adoption*. However, right before the vote at the Senate on February 26<sup>th</sup> following the withdrawal of the *Five Star Movement*, the Prime Minister Renzi stripped the step-child adoption from the bill allegedly as a move to gain a solid majority and grant its full approval. While formally the Italian legislation has changed since 2015 when most of the interviews were collected, LGB couples in Italy are still facing challenges to register their unions. In some municipalities majors are boycotting the law either by making the registration procedures cumbersome or by excluding LG couples from the main registrar offices. Most crucially, parental relationships are still far from being recognised. The interviews collected therefore still provide a contemporary snapshot of the concerns of LGB citizens in Italy

Further to this point, Italy still lacks a law that recognises homophobia as an aggravating circumstance in hate crimes. A draft of a law has been discussed in May 2013 and submitted to the approval of the Justice Commission of the Senate. The draft had been strongly criticised by representatives of LGBT groups, who questioned its efficacy in tackling institutional homophobia and the impunity of politicians and religious representatives. In particular, the draft included an amendment proposed by Gregorio Gitti (PD-*Partito Democratico*) which stated that the definition of hate speech cannot be applied to opinions expressed within political parties or religious, cultural and educational institutions. In the meantime incidents of violence against homosexuals and suicide motivated by homophobic bullying are reported on news media at an alarming rate. In every instance, LGBT associations raise the alarm and demand action.

The mere possibility of a law being passed however generates the indignation of representatives of the Catholic Church, who denounce it as an act against free

speech and frame it as an attack on the Catholic Church itself. A series of demonstrations have been organised against the law by the group *Sentinelle in Piedi* (Standing Sentinels) linked to the French *La Manif pour Tous* (Demonstration for All) (Garbagnoli, 2014: 259). At the core of these groups' protests is a fierce attack to what they term *l'ideologia del gender* (the ideology of gender) and *la teoria del gender* (the theory of gender). The terms 'ideology of gender'/'theory of gender' are used to label educational programmes that aim to eradicate gender stereotypes and teach inclusion and diversity (Selmi, 2015). As Selmi discusses in her poignant analysis, public spaces became increasingly occupied by conservative Catholic associations accusing schools of including in their curricula 'inappropriate' sexual education that encourages children 'to choose' their sexual and gender identity, and ultimately teaches them how to be homosexuals (2015: 226). These accusations so far have managed to hinder numerous public funded equal opportunity projects, and have created a situation whereby educational programs on equality and diversity and inclusion are increasingly proscribed in state schools.

In opposition to the actions of a morally conservative part of the Italian society, it is important to stress how certain local and regional governments have been at the forefront of implementing inclusive, non-discriminatory good practice, as well as creating a space for action and advocacy. The local governments' pioneering role has often been linked to the role of the EU; injections of EU funds allowed the creation of EDI projects and the implementation of research. The successful interaction of different stakeholders at the local level also fostered the creation, in recent years, of cohabitation registries that granted some recognition to forms of unions outside the conjugal couple. In over a hundred local governments in Italy, cohabitation registries are open to both heterosexual and same-sex couples granting access to housing benefits and to those services that are locally regulated, such as childcare and health care. While this provisions had no effect at the national level and outside the borders of the constituencies municipalities and regional governments have been at the forefront of cultural change, particularly in recent years, where they openly challenged the inaction of national governments before the approval of the *Cirinnà bill*. In October 2015, a group of mayors of Italian cities (including major cities such as Roma Napoli, Udine, Empoli and Bologna) decided

to transcribe in their local registers same-sex marriages celebrated abroad by Italian citizens. This stirred up a heated political controversy putting again the question of rights at the forefront of the political debate. The right wing Minister of Home Affairs, Angelino Alfano, opposed the action and wrote to all Prefects of the Republic to urge them to declare the act void and delete the transcriptions from the municipalities' registries. The majority of mayors, however, refused to abide by Alfano directive; instead, more mayors joined the action, adding to their registers details of same-sex marriages contracted abroad.

Italy, commentators argue, appears to be characterised by an inclination towards denial (Bertone 2009) whereby the experiences of LGBT individuals are routinely marginalised and the legal recognition of sexual rights is a difficult and tortuous path. However, as the discussion above aims to demonstrate, a degree of ambivalence and tensions are traversing the country and it is against this background that the interviews discussed here have been collected.

## **2 The research on LGBT issues in Italy: a review of the literature**

The difficult and belated recognition of LGBT citizens' rights was mirrored by the late focus of Italian academia on LGBT experiences. The social sciences in Italy have neglected for a long time issues of sexuality and homosexuality in particular, in favour of questions considered sociologically (and often politically) more significant. In the last decades however a growing body of knowledge on the experiences of LGBT individuals has been produced. In this section, we aim to map this vast interdisciplinary literature, in order to define the basis of the forthcoming analysis. The review will focus in particular on

- the large-scale sociological surveys conducted between 1990s and 2000s that for the first time had rendered the experiences of LGBT individuals in Italy visible and highlighted the specific challenges that they face in society.
- the research analysing the experiences of LGBT individuals within the framework of families studies and investigating the challenges of homoparentality
- the research focusing on sexual citizenship and in particular on the relation between LGBT experiences and homophobia and discrimination.

## **2.1 The pioneering sociological studies from 1990 to early 2000**

In 1991 the Istituto di Studi Politici Economici e Sociali (ISPESS-*Institute of Political Economics and Social Studies*) in collaboration with Arcigay (*National Gay Association*) conducted the first survey on the experiences of LGBT individuals (Fiore 1991). The research consisted of a national survey that co-opted 2044 self-identified gay men and lesbian women (gay men were over represented in the sample- being 85.3% of the respondents). The aim of the survey was to describe the experiences of the participants free from the stereotypes that were still dominating public discourses. The research explored one's process of identification as homosexual, the moment of coming out, the negotiation of one's visibility within one's family of origin and in the work place; it also investigated sentimental relationships, sexual practices, health concerns and HIV-related experiences; it gathered data on organizations and gatherings for the LGBT communities. The information collected made visible the complicated and varied jigsaw of LGBT experiences against the dominant stereotyped public discourses. Against the trope of sexual promiscuity often used pejoratively to label LGBT experiences, the data collected revealed a preference for/prevalence of monogamous, long-term relationships. The survey also shed light on the profound stigmatisation of homosexuality and how it affected the participants' possibilities of openly live their sexual orientation. Discrimination, physical violence, rejection from the family of origin, were recurring elements in the participants' responses; these findings were then compared with the opinions of a group of self-identified heterosexual participants. What emerged from this analysis was a scenario where homophobic and discriminatory attitudes were still proliferating.

It is necessary to wait 10 years for a second national survey on homosexuality led by Barbagli and Colombo (2001). The research touched on a larger set of questions linked with the experience of gay men and lesbians and it is still considered, as of today, the most far-reaching sociological investigation on the issue conducted in Italy. Like their predecessors, Barbagli and Colombo investigated the process of construction of one's identity, the moment of coming out and the mechanisms of social control that hindered the visibility and well-being of the LGBT population. The research focused on the relationship with one's family of origin and on the

painful confrontation with dominant societal norms on gender and sexuality, in particular in the south of Italy. Supported by a larger empirical base, the research confirmed the findings of its predecessor.

However the 2001 analysis has also two very innovative points that shaped the paradigms for the study of LGBT experiences in Italy. First, Barbagli and Colombo located the shifts in visibility and relationships models that characterise their participants' practices, within the larger societal changes that were and are characterising Italian society: the dissolution of the patriarchal model, the growing instability of marriages, the reduction in births and weddings and the path towards equality between genders within the couples and in society. Within this paradigm, homosexuality was no longer investigated as an anomaly/a deviation from the norm, but as a possible declination of one's identity to be read within the larger transformations that were traversing Italy. Secondly, Barbagli and Colombo extended the focus of the analysis to consider homosexuality not only as an individual experience (as in the behaviours of gay men and lesbian women) but also as a relational one, hence exploring the dimension of the couple, the family and parenthood. The research investigated how same sex couples organise their relationship and family life with a focus on divisions of roles, on the managing of economic resources and on the frailty of these familial forms against the lack of legal recognition.

Third Barbagli and Colombo highlighted the experience of LGBT parents. When the work was published gay and lesbian parents were invisible within the public sphere as well as within the LGBT community; the authors' focus is therefore even more epistemologically crucial. As they argue, "homosexuality and procreation are considered contrasting and incompatible terms and expressions such as gay father and (even more) lesbian mother sound like real oxymorons" (Barbagli and Colombo 2001: 215-*authors' translation*). However the research confirmed that not only gay and lesbian parents do exist (with children conceived within previous heterosexual relationships) but also that the majority of interviewees under 30 years old and in a relationship and cohabiting expressed the desire to have children without differences between men and women. The percentage of those who claim that desire however appeared to decrease in older age group.



Few years after Barbagli and Colombo's research, Chiara Saraceno coordinated a research in a metropolitan area in the north of Italy published under the telling title *Diversi da Chi?* (Different from whom?). Among the many aspects that the research explored two are particularly significant. First of all, the data gathered confirm the importance of issues of parenting and familial relationships both in terms of the value that they had for the interviewees and of how they ranked in the interviewees' desires. The research investigates the experience of LGBT parents in relation to their visibility and the socio-demographic characteristics of their families, and it also dedicates a section to the issue of the lack of recognition of same-sex unions. The research highlights the fragility of homoparenting families already discussed by Barbagli and Colombo (2001) with a particular emphasis on cultural norms and on how informants envisage their parenting projects. The majority of participants agreed with the statement that the Parliament should approve a law that recognises same sex unions granting access to a series of rights (housing benefit, inheritance rights, and reversibility of pensions) that are already granted to heterosexual married couples. Really high was the percentage of those approving of a municipal registry of civil unions open to same-sex and heterosexual couples. Access to civil marriage instead was still a controversial point- the majority of participants appeared to approve it while a quarter of interviewees appeared to be critical of the institution (Saraceno 2003: 142-143).

Secondly, the research definitively abandoned the paradigm of homosexuality as sexual subculture (when not deviance) and moved to an interpretative framework that privileges the investigation of those socio-cultural factors that make the projects of LGBT individuals socially fragile. Most crucially it positioned homophobia and heterosexism as structural forces shaping the experiences of the participants. Whereas the research identified an ongoing change within the Italian society where homosexuality is increasingly less stigmatised and more accepted, data also showed how being gay and lesbian is a high risk factor. The majority of male participants (51%=n 133) and a third of women (33%=n 83) had been victim of at least one episode of homophobic violence in the form of physical or verbal aggression, threat, blackmailing or violence at the hand of the police forces. To this it is crucial to add all those forms of violence and discrimination that go often

unrecognised as such by the informants such as making fun, telling homophobic jokes or puns. The three researches above highlight some of the key issues of homosexuality in the new millennium: a higher visibility that needs to deal with stereotypes and homophobia, the increase of visible relationships, and parenting projects that have to deal with the lack of legal recognition.

## **2.2 Fragile families: same-sex partnering and parenting**

The visibility of same-sex couples and the intelligibility of their parenting projects need to be read against the overarching change of family structures and the decline of the so-called traditional family in favour of a plurality of ways of doing families (Zanatta 2003): more frequently couples cohabit and have children outside marriage and people live more than one relationships in their lives. Parenting therefore happens more frequently within recomposed families; this is coupled with a change in the relationship between genders. Women entered the paid job market shaking the model of a feminine identity built on motherhood and care and confined within the domestic space; while men are increasingly expected to share duties of care of the children in particular. Heterosexual relationships have therefore become less asymmetric and are instead increasingly based on negotiation within the couple. Models based on complementary dyads such as feminine/masculine, mother/father, husband/wife are increasingly abandoned (Bertone 2009; Saraceno 2012). LGBT couples came to embody a further rupture with these models.

Their increased visibility also affected the research agenda and since the mid 2000s the number of surveys on LGBT families and relationships boosted (Bottino and Danna 2005). MODI.DI was a research supported by Arcigay and financed by the Istituto Superiore di Sanita' (National Institute of Health). The survey estimated that in 2005 almost 100.000 minors lived with at least a homosexual parents, while the data coming from the 15<sup>th</sup> census of the population organised by ISTAT in 2011 reported of 7513 self-defined same-sex couples, 529 of which with children. The census also investigated the level of acceptance of LGBT families revealing an ambivalent attitude of the general population. The majority of respondents defined same-sex relationships acceptable and over 60% of the respondents defined themselves in favour of a law that would recognise equal right to same-sex couples. The ISTAT Report states that 62.8% of respondents defined themselves as agreeing

with the statement that cohabiting same-sex couples should have the same rights as a married couple, against a 24.6% defining themselves as disagreeing (Istat, 2012: 8). However the data collected showed that only 21.9% of men and 25% of women interviewed agree with the statement that a lesbian couple should be able to adopt a child. The percentages drop to 17% and 21.7% of those agreeing that a gay couple should be able to adopt a child.

In his analysis of Italian print news media discourse Trappolin (2009) investigates further the ambivalent attitude towards LGBT families and couples that occupies the public sphere. On the one hand, there is a process whereby the definition of family is broadened to include same-sex relationships, on the other hand, compulsory heterosexuality prevents the legitimization of the generative potential of same-sex couples. The absence of complementary gender roles in the parental couple (Saraceno, 2012; Bertone, 2009) is perceived as tempering the well-being of the child (Saraceno, 2012; Lalli, 2011; Bertone, 2005, 2009). It is therefore possible to trace an anxiety around non-heterosexual parenting that characterises Italian public discourses (Bertone, 2009), but which is not restricted to the Italian context (see also Butler, 2002; Fassin, 2001). The perception of an unbreakable link between procreating and parenting (Ferrari 2015) appears to keep homoparenting families as “unthinkable” (Lingiardi 2013) in the Italian public discourse. Psychological investigations analysed in details the elements that characterise the attitude against same-sex parenting that appears to characterise Italian public discourse (Graglia and Quaglia 2014). As in other national contexts older respondents and those who are more politically conservative are more negative towards same-sex parenting (Baiocco *et al.* 2013); on the other hand, those who are politically progressive and have LGBT acquaintances are more likely to have positive attitude towards same-sex couples (Petrucci *et al.* 2015). Respondents appear to be more accepting of a couple of women than of men as parents. Gay couples are indeed facing the double stigma of their gender and their sexual orientation (Baiocco *et al.*, 2013). The data suggests that adoption is the most agreed upon path towards same-sex parenting (Petrucci *et al.*, 2015; Ciccarelli e Beckman, 2005), while ART and surrogacy are more often frowned upon, in the

sample analysed; the result appears to mirror public discourses where technological mediation and the misalignment of biological ties are still treated as problematic. Research has also investigated how notions of parenting and relationships are constructed within the LGBT communities and what emerges is particularly interesting: the desire to become parents and a positive attitude towards same-sex parenting is correlated with the level of internalised homophobia, visibility within the family, political positioning and the educational level (Lingiardi *et.al.*, 2012). Also, data shows that young LGBT people are less keen on getting married and having children than their straight peers (Baiocco and Laghi, 2013). This data suggests that despite more and more same-sex families are becoming visible, the perception of hostility and a lack of social (often more than legal) recognition influence the thinkability of same-sex unions and families and hence the possibility to imagine oneself as part of a couple or as a parent. However those researches that focus on the experiences of LGBT parents draw a different picture where daily life - while exceptional (Cavina and Carbone, 2009) - is often narrated as free from rejection and discrimination. Other researches instead highlight how homoparental families develop careful strategies of visibilities and of presentation of the self and the families that aim at promoting inclusivity and the “thinkability” of their parenting project (Danna 2009). Indeed visibility both within one’s familial/affective context (family, friends, etc.) as well as within the social context (work, school, and social services) is crucial to the process of constructing one’s identity as parent. (Zamperini and Monti, 2008).

While daily life is defined as normal (Cavina e Carbone, 2009; Zamperini and Monti, 2008) – in the double meaning of unproblematic (in relation to children well-being) and ordinary (hence comparable to straight couples) – the absence of legal recognition remains a problematic element; the assertion of one’s parenting project – both symbolic and material – remains impossible in particular for those social mothers whose roles, rights and relationships with their children is unrecognised (Zamperini *et al.*, 2016).

### **2.3 Fragile citizens: discriminations and homophobia**

Since the year 2000s an interdisciplinary body of work has been focusing on the challenges that LGBT individuals face with a particular focus on homophobia and discrimination. As highlighted above, Italy still lacks a law against homophobic crimes. Because of the lack of legislation it is impossible to have reliable statistical data on homophobic crimes since they are not officially defined as such, nor is it possible to gather information from the police forces in relation to their action. However surveys have extrapolated data from various news outlets (national report commissioned by Arcigay) in order to analyse the forms of homophobic violence (from insult to aggression to murder), the characteristics of the victims (mainly young male students) and the profile of the perpetrators (primarily men). This has resulted in an ambivalent picture (Rinaldi 2013): indeed, while there is a general agreement that Italian society is overall more welcoming than in the past, homophobic episodes are not isolated cases. The school for instance is one of those realms where LGBT youth is more vulnerable and stigmatised. At the same time research demonstrates that teenage years are crucial in the formation of homophobic bias (Prati, Pietrantonio e Saccinto 2011; Mauceri 2015) that in turns become central to the formation of identity within a heteronormative framework (Burgio 2012). At the same time, as discussed above, schools are also the places where policies of inclusions and education are routinely opposed by conservative governments (Selmi 2015).

A further body of work focusses on discrimination and homophobia in the workplace, in particular with regard to HR policies and to working conditions and wages (D'Ippoliti e Schuster, 2011). The reception of the EU directive 2000/78 against discrimination in the workplace has granted a solid interpretative framework (Fabeni and Toniollo, 2005) and enhanced the research in the field. Data show that LGBT workers are more vulnerable than their straight counterparts at the moment of hiring (Lelleri, 2011; Patacchini *et.al.*, 2012), during their career (because of harassment and mobbing when they come out in the work place (Curtarelli *et.al.*, 2004) and in case of redundancy (Botti and D'Ippoliti, 2014). The data of the National Institute of Statistics show how 40.3% of LGBT respondents declared to have been discriminated against either while looking for a job (29.5%)

or in the workplace (22.1%) against respectively the 14.2% and 12.7% of heterosexual respondents, in line with the results of other research such as Lelleri's (2011). The low percentage of LGBT people who are visible in the workplace is a crucial data (Gusmano, 2008) and it becomes even more crucial for those who work in low skilled job with precarious contracts and are afraid that their coming out might compromise their position (Lelleri 2011).

A third body of work focuses instead on local policies and the development of good practices. The analysis of the work of local administrations highlighted the possibility of developing inclusive policies despite the lack of a national framework (Bertone and Gusmano, 2013; Gusmano and Lorenzetti, 2014; D'Ippoliti and Schuster, 2011 ), to evaluate the needs of the actors involved, and to write policy recommendations grounded in empiric evidence that sustains their feasibility at the national level. The research discussed so far constitutes both the body of knowledge that inspired the present research and the one that we aim to contribute to.

### **3 Methodology and sampling**

The research comprised 29 interviews. We interviewed 13 men – in 3 cases the participants were interviewed with their partners – and 16 women – again, in 4 cases the participants were interviewed with their partners. Participants were selected through snowballing techniques, the key goal being to access individuals both within and outside the LGBT movements and in a certain stage of their life-cycle – i.e. those who were dealing with housing issues (renting/buying) and those who were planning/facing parenthood/childcare. This meant, however, that in the sample the experiences of those over 40 years old are overrepresented. In Italy the average age when one becomes a parent is higher than in the rest of Europe, more so for people in a same-sex relationship. This partly explains why the median age of our group of respondent was 44.5 years old. The youngest respondent was 22 while the oldest was 62. In our sample 24 respondents (11 men and 13 women) lived with their partner; 3 (2 men and 1 woman) lived together apart, often because of the working career of one or both partners. Only 2 of the women we interviewed defined themselves in a relationship but were not living together.

We interviewed 7 women with children conceived while in a same-sex relationship and 3 women with children conceived while in a previous heterosexual relationship. It was more difficult to access the experiences of men with children – two interviews were with men who had children while in a previous heterosexual relationship. Furthermore, in one case we were able to contact a couple who had accessed surrogacy and in one case we were able to gain access to the experiences of foster parents. Our research therefore mirrors, in part, the difficulties discussed above that gay couples face when thinking of a parenthood project.

Given the research questions and the objectives of the investigation, it was important to gather experiences from different areas of the country. Hence we selected 3 cities in the Centre North and 3 in the Centre South. Each city is characterised by different local policies. As discussed in the previous section, in Italy local governments and municipalities play a key role in fostering inclusion of LGBT experiences. The selected cities have very different policies in place that came into play at different moment in recent years. While the selection of cities does not aim to be representative of the myriad of local governments that characterise the Italian system, it makes it possible to gather experiences from highly different urban environments.

We conducted semi-structured interviews aiming at collecting specific information to be compared with the other research groups. The interviews lasted on average between 1 hour and 1.5 hours. In the following we are going to present some of the key findings of the interviews collected – the structure mirrors the one agreed for the other country reports and aims at providing the reader with the opportunity to make comparisons.

#### **4 Being out in contemporary Italy**

The interview script investigated the participants' coming out as a couple to their families of origin as well as in their workplace and within their circle of friends and acquaintances. In these instances we were also able to gather partial information about the respondents' individual coming out in their family of origin.

In this section hence we focus on the ways in which the interviewees describe how visible they are in these different realms. In particular we focus on their strategies

of visibility: who they decided to come out to and why. As it will be clear in the following, the respondents rarely focused on the moment in which they decided to come out to someone, but more often the focus of the narratives is the practices of negotiation of one's identity. What appears crucial is that in our group of respondents it is possible to trace a growing refusal to do something that heterosexuals are not requested to do (see Seidman 2002). This however is rarely labelled as an active hiding and/or as telling a lie, but as a way of stating one's right to decide who to talk to and about what.. To come out acquires however a different meaning for LGB parents. Visibility becomes not only a question of being true to oneself but a strategy that guarantees the visibility of the familial project in the eyes of the institutions.

#### **4.1 The crucial role of families of origin**

The decision to investigate the relation of the respondents with their respective families of origin stems from the relevance that 'the family' has in the cultural and social landscape in Italy. Whilst we are aware that this might mean an entrenchment of heteronorms (Roseneil and Burgeon, 2004) whereby the family is maintained as a central category of investigation, it is also important to underline how heteronormativity is always context-specific (Ryan-Flood, 2005). Hence to understand the relevance of the family and how much the relationship with one's family of origin is crucial in the life of the individual, might also help to understand how the persistence of intergenerational and intragenerational relationships can be read both as a constraint for LGB individuals as well as an experience of queering the 'Italian family'.

One of the reasons for the centrality of the family lies in the structure of the Italian welfare state. Similarly to the Spanish welfare regime, Italy is characterised by a 'family/kinship solidarity model' that expands the definition of the family to include larger kinship networks (Naldini 2003). Extended familial networks are hence assumed in the welfare system as a 'safety net' for the most vulnerable (Naldini and Saraceno, 2008; Ferrera, 2005, Naldini, 2003). This role of the extended family, however, promotes strong intergenerational dependence (Naldini and Jurado, 2009; Naldini, 2003). Furthermore, the current economic climate and the erosion of rights and protections reconsolidate a strong intergenerational



dependence especially for younger generations. Younger generations in Italy tend to live in the parental home longer than their European counterparts, and after moving out, they tend to remain close to their parents and extended family (Naldini and Jurado, 2013: 44-45; Dalla Zuanna et al., 2008). Bertone builds on these insights to reflect on how younger generations' dependence on support from their families might constitute a limit since '[c]hildren tend to avoid choices that would meet their parents' disapproval and jeopardise their crucial support' (2013: 989). In reinforcing inter- and intra-generational obligations largely based on the assumption that the extended family will take care of those in need, the Italian welfare regime consolidates the dependence of younger generations on their families as well as the marginalisation of those who live outside a familial network (Saraceno, 2004). The above, in fact, becomes crucial in particular for those who do not want or cannot marry or those seeking alternative forms of intimacies – as those increasingly viable in other parts of Europe. It is with this background in mind that we are reading the narratives of those who participated in the research.

As discussed above, the majority of our sample was over 40 years old. Almost all of the interviewees had already left their parents' home at the time of the interviews. However, it is interesting to observe how those who lived in the north of Italy were more likely to be living in a different town and often in a different region from their family of origin. This is less common among the respondents living in the south of Italy. The geographical distance from the family of origin shaped not only the decision to disclose one's relationship, but also the ways in which the couple participated in the life and rituals of their respective families. While most of the interviewees defined themselves as out in their family of origin, the modalities of the coming out varied to a great extent. Some of the respondents revealed how the process of coming out to their family did not coincide with a full disclosure and a clear verbalisation of one's sexual orientation.

*My family knows it... my partner is really close to my family... well, I never came out officially. I never said 'I am homosexual' however my friends always hang out at my parents' place since I was a teenager... since I found out... My friends always hang out at mine, my classmates... so in a way I taught my family to understand what (being homosexual) meant...*

Domenico, 46

The choice of hanging out with his friends at his parents' place was presented by Domenico as a way of providing his parents with an alternative image of homosexuality, different from the one that was mainstream in Italian society when he was a teenager in the late 80s. The unsaid thus was not a way to conceal but became a strategy to detach one's identity from a stereotypical, marginalising, often offensive representation of homosexuality. However, other times the unsaid is described as a way to avoid an open confrontation with parents that are perceived as non-accepting. Like Francesco who lives in a different region from his parents and regularly visits them with his long-time partner: Francesco never concealed living and going on holidays with his partner, but he felt that openly coming out and labelling his relationship would break the equilibrium that had been reached through the unsaid. Here, the breaking of the equilibrium is perceived as an unnecessary tension that would potentially upset the parents and destabilise the relationship. In this respect, as revealed by other researches parents and in general the older generation within the family are often presented as ill-equipped to discursively negotiate one's coming out (Bertone and Franchi 2008).

This strategy has been traced in particular in the relationship with grandparents or older aunts or uncles. Often this is framed as a decision that is made out of respect for one's eldest and in particular out of fear that an open definition of one's identity would put them in an uncomfortable situation. It is crucial to point out that this strategy does not coincide with a hiding of one's relationship. On the contrary, this strategy is predicated on the feeling of being accepted as a couple. Simply not openly labelled as such. Indeed, relationships *are* lived and most of the time, the respondents say, accepted.

*There never was an official moment... even though she really is (my) family's favourite... However with grandpa, who is 93 years old, there are some issues... we never said it openly, mainly because...well, if you are 93 it's understandable, we agree that you accept but we don't say it... I am not sure what he thinks but he has been meeting her regularly for the past three years... and he speaks more to her than to me...*

Maria e Elisabetta 34

Indeed the strategy of not openly saying holds only if in practice one's partner is accepted and made to feel welcome in the family. Visibility in relation to the family of origin however changes dramatically when one decides to become a parent. As it will be further discussed below, the arrival of a child is perceived as the moment that both compels to come out as part of a same-sex couple and re-affirms one's relationship with the family of origin. As Enrica, a mother of two, puts it

*When there are children the families of origin descend on you with an almighty force, whether you like it or not... (...) From the moment a baby is born the relationship you've had with the respective families, that up until then you might have been able to keep under control, gets out of your control... even the simple thing of buying candies to the children without telling me! (...) but when I talk to my friends who have children, and mothers-in-law, I understand how these things are really common!*

Enrica, 46

As we elaborate further in the section below the arrival of a child shapes not only the relationship with one's parents but also with the extended families and in particular with the eldest that are called to become great-grandparents. Like in the case of Benedetta whose partner was 7 months pregnant with twins at the moment of the interview.

*My partner's grandparents! 90 years old! So nice! Her grandmother the other day gave us money for the cots (...) when she found out about the pregnancy she asked 'how did she do it? Like Gianna Nannini?'<sup>40</sup> and then the grandfather every time he touches [my partner's] belly (...) he looks at me and he winks at me...*

Benedetta, 38

In the narratives collected, children are perceived as the reason for an 'ongoing coming out' as one of the participants put it. This is a trope that is shared by those who reported to be planning to conceive a child as well as by those who were going through a pregnancy and/or already parents. Serena, who was pregnant at the time of the interview, saw the necessity of coming out also as a way to protect the unborn

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<sup>40</sup> Gianna Nannini is an Italian singer who came out as bisexual and in 2010 at the age of 54 got pregnant. The media claimed she did it through sperm donation- she never confirmed nor denied the rumors.

child from future harm. Hence she came out not only to her family, but also to the extended circle of acquaintances:

*A while ago I was fine, I did not feel like I had to tell everyone (...) maybe I told a few people but I never felt compelled to come out at all costs (...) but now it has to do with the baby... I don't want to face the classic question "who is the father?". I mean, everyone knows. I come from a little village of a hundred inhabitants and I told everyone. I told the bartender and I told him "please, do me a favour, tell everyone. Please spare me to have to go to each and everyone to say it". And he did me this favour. He told almost everyone, so now when the baby will be born, no one will ask me in front of her who is the father because everyone will know already...*

Serena, 36

In a political landscape that refused to grant legal recognition to same sex couples and where non-biological parents are still not legally recognised, to come out as a couple is also crucial to keep 'leaving trails' of one's family project. As it will be discussed more thoroughly in the section below, to leave a constant trail of one's family history is a crucial strategy of resistance for lesbian couples in particular against the invisibility of their familial relationships. Visibility is also perceived as a political tool that allows public opinion to move away from stereotypes and recognise the variety of forms of families that characterises contemporary societies. It is important, however, to stress here how visibility when one becomes a parent can also become a balancing act between the desire to be politically active and the imperative to protect one's child's privacy. This acquires a further dimension when it comes to political activism in an era where images are crucial. For instance, Lara was requested by a friend to be interviewed for a feature article. Despite being politically active, she agreed to be part of it only if no picture of her, her partner or her children were going to be used.

*We've decided that we are going to be visible everyday... Because I think that this is the way to change things... (...) I was interviewed last week (...) our names were published but without pictures, most importantly without pictures of our son (...) I don't like the potential exploitation of pictures of us and the child when images are taken to say 'they bought their children'. I really don't like that. So we decided to be on the front line but... (...) I won't have any problem to be criticised if I were on my own, if I were talking only about my relationship... I don't want to do it [now] because of the children....*

Lara, 36

Arguably Lara's experience resonates with that of many others, in particular in the past few years since the issue of same-sex parenting has become more visible and at the core of many heated political debates. Lara expresses fear at the potential consequences of her visibility: the exploitation of the image of her son to reinforce the trope of gay and lesbian couples that 'buy their children'. Criticisms and verbal aggressions are, in Lara's account, something that became difficult to negotiate since their child was born. Indeed the attacks against gay and lesbian parents have consequences also for their children who are exposed to the same debates.

For those who come out after a heterosexual relationship and have children from a previous marriage visibility has also to be negotiated within the complexities of a separation. Maurizio for instance came out in his 40s when his children were both teenagers. He narrates the process of his coming out as a long process of acceptance of himself that, once completed, needed to be shared with his children. Coming out to them became almost a necessity when his same-sex relationship became more and more visible. He recounts how it felt crucial for him that the children learnt about his relationship from him and not from someone else. In the process of negotiating his coming out, Maurizio describes the central role his ex-wife played in fostering a relationship of mutual respect between the two of them and with their children. Among our respondents however those women who came out after a heterosexual marriage often told stories of non-acceptance and problems with their ex-husbands. Flavia, now in her 60s, narrates a story of fear that her sexual orientation would compromise her chances to have the custody of her children after her divorce. Indeed her fear of being exposed and defined as an unsuitable parent was used by her ex-husband to dictate unfair economic conditions that resulted in poor alimony. The case of Flavia is symptomatic of the absence of legal recognitions that puts LGB people in an incredibly vulnerable position (see Bottino and Danna 2005). In recent years however the media have been reporting more and more cases of rulings that openly dismiss sexual orientation as ground for defining one's parenting ability. In 2012 a judge dismissed the appeal of a father who claimed that his ex-wife and her new female partner were unfit to raise his daughter. However the absence of a legal framework and the stigma that is still attached to lesbian parenting translates into a degree of uncertainty and vulnerability that

affects women in particular. The absence of laws protecting LGBT individuals is then even more difficult to bear for those who become parents within a same-sex relationship. In the following we are going to explore how our participants negotiate the absence of laws and which strategies they put in place to protect themselves and their families of choice.

## **5 Strategies of resistance as a couple**

In this section we are going to focus on the impact that the legal system has had on the material aspects of one's life such as housing and health benefit. While this section zooms in on how these material aspects are negotiated within the couple, section 5.3 will discuss the strategies employed by those couples who do have children. It is important here to quickly reiterate the points that were raised in the introduction to this report: in Italy at the moment when the interviews were taken there was no legal recognition for LGBT relationships. Furthermore, a strong familism still defines the welfare regime and regulates access to housing, benefit and health care. The Italian inheritance law is also very strict and entails a compulsory allowance (forced heirship) for the next of kin. Spouses, children and one's parents are defined as legitimate heirs and are entitled to a considerable share of one's assets. This share is mandatory and cannot be disposed of. While to law allows to manage the rest of one's assets via will, in the absence of a legitimate document the situation becomes more complicated. One's siblings and relatives up to a certain degree are entitled to partake of the deceased's inheritance (see the synthesis of the legal team). This is fundamental to understand how legal structure and inheritance laws impacted on the lives of individuals whose intimate relationships were not legally recognised<sup>41</sup> and in particular in the case of those men and women who became estranged from their family of origin following their coming out (see Barbagli and Colombo 2001; Saraceno 2003).

It is interesting, however, to note that among the participants to our research those with children and those in the eldest cohort were more keen on putting in place alternative ways of ensuring financial security. One possible explanation lies in the fact that the youngest respondents were in comparatively more recent relationships

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<sup>41</sup> Since the approval of the Cirinnà's law civil partners became, for inheritance purposes, equivalent to spouses.

and were also those working and living in the most precarious circumstances. For them the focus appeared to be on the present and its challenges and less on securing a future. For the oldest respondents instead, the questions of legacy was amplified by the length of their relationships as well as by the longer lasting bonds with one's partner family of origin.

Silvio, in his early 60s, described how the choice of buying a house with his partner had been pondered at length and discussed with a lawyer in order to evaluate the implications of a shared ownership in case of death of one of them; eventually the safest solution was for Silvio to be registered as the sole owner of the house.

*...when we bought the house [my partner's mum] was still alive and in good health... and she really was the obstacle for a shared ownership. I have a brother and a niece and I thought they were entitled to the legittima<sup>42</sup> [a share of the house]; but the lawyer said I did not have anything to worry about, I just needed to write a will and leave everything to [my partner]. However [the lawyer] said: "if [your partner] writes his will and leaves you his share of the house... [his mother] is a really nice woman, she is wealthy, but if she takes it the wrong way she can claim 30% of her son's share of the house" [...] so, it does not change much [...] if I die tonight there is a will stating he is entitled to my share of the house. However he will pay 40% in inheritance tax... that is shameful*

Silvio, 62

In Silvio's account it is possible to observe a recurrent narrative from those who are out within their families of origin. While parents and siblings are often trusted not to interfere with the couple's finances it is fundamental to protect one's self from a possible change of heart.

Similarly Fulvio, in his late 50s narrates how his and his partner negotiated the disposal of personal and shared assets. In his narrative the respective families of origin play a key role, both as recipients and as guarantors of their wills. He explained how, since neither he nor his partner have children, they already agreed that their personal assets will ultimately go to their respective nieces and nephews. Nieces and nephews are however expected to grant to the surviving partner the life tenancy of the house they currently live in, but also of other family houses that so

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<sup>42</sup> A share of a relative's asset that one is legitimately entitled to and the deceased cannot legally dispose of.

far have been enjoyed by both. Again, the family of origin is central and it is invested with both the right and the burden to execute one's will. As we will see below, this becomes even more central when children are involved since the non-biological parent does not have any legal recognition nor the possibility to dispose of his/her assets in favour of the children. The experiences collected here mirror the findings of previous research conducted in Italy where it emerges that the family of origin plays a crucial role in ensuring those rights that should be for the State to give (see Bertone 2013).

A further central point that came up in the interviews is the issue of assistance in hospital and the possibility to make decisions in case one of the partners is incapacitated. What emerged from the interviews collected is the perception that as a non-recognised partner one is in a precarious position in relation to health professionals. To be sure, participants always praised health professionals for recognising the rights of a partner to assist a loved one. Fulvio again, for instance, was faced with the issue of having to assist his partner, Diego, during a long stay in hospital. He reported how neither the health professionals nor his partner's family ever questioned his rights to do so. He narrated how Diego's mother came to visit for a week in order to be near her son, but how Fulvio was the one that everyone referred to as Diego's carer. Fulvio was keen to define this situation as 'lucky' since he perceived it as predicated both on his partner's family acceptance and the fact that the health professionals never challenged his position. This is one of the many cases in which our respondents pointed at the hiatus between discriminatory laws and regulations and the accepting practices of individuals. However, what the law prescribed, at the time of the interviews, was that only the next of kin could take decisions in case of an incapacitated patient. While none of the participants faced such a challenge, these stories of exclusion have been collected elsewhere (see Grillini 2005) and narrated stories of estranged families stepping in instead of lifetime partners. And while the Cirinnà bill recognise the right to take decisions for one's partner's health, the precariousness of one's role as a carer does remain in the case of LGBT parents, as we will see below.



## **6 Strategies of resistance as a family**

This section focuses on the specific challenges gay and lesbian couples have to face on their parenting journey, from pregnancy, to access to educational healthcare and other public services as well as within the community. What we want to highlight here is how our respondents define their decision-making process and then how different reproductive techniques are deployed in the process of conceiving. In light of what discussed above and the difficulties that characterise gay couples' parenting projects, in the group of respondents gay couples are underrepresented. The narratives below depict primarily the experiences of lesbian couples who were the overwhelming majority within the group of respondents

### **6.1 Choosing/not choosing to be parents**

The interviewees' narratives often begin with the moment of choosing or not to start the process of becoming a parent. Facing a public debate that describes same-sex parents couples as irresponsible and their choice to procreate as a selfish one, the women we interviewed depict their choice as an extremely weighted one. Lara and Erica's words are indicative of the experiences we collected:

*So we made inquiries about it. We shared experiences with Famiglie Arcobaleno (Rainbow Families), too. We subscribed to Famiglie Arcobaleno, where we had the possibility to actually listen to some stories, some experiences, not only related to how to have children, but also to the possibility to think of, and understand what it means to have children in Italy. Because the main doubts we had were in fact, not really how to have children –which is relatively simple for two women; but giving birth and raising children in a context which is seldom open to families of a different kind. Hence discrimination, the way children can experience it. And more generally how children face diversity.*

Lara, 36

*We thought a lot...meaning... the moment we realized we wanted to have children we asked ourselves whether our children would be happy in this world, in this country, or not, and our friends who had a baby girl before us were instrumental to answering these questions. There's always an "Alpha" family that... helps up a bit. When we saw that girl, we had no longer any doubt.*

Enrica, 44

The well-being of the new born, discussions and comparisons with other same-sex parents families, the reading of the available literature on the topic, awareness of homophobia in Italy, are all recurrent elements in the stories we collected. These elements depict a scenario of deep awareness of the complexity of gay and lesbian parenting in Italy and, at the same time, of cautious management of this process in terms of visibility, self-representation, relations with services and the community as it has already been highlighted by previous research (Saraceno 2003; Bottino and Danna 2005). For lesbian couples the choice of becoming parents also involves the issue of who, within the couple, will carry on the pregnancy. There are obviously different subjective and private elements associated to one's relationship with one's own body and the actualization of the desire of maternity. However, in this choice some structural aspects related to the lack of rules and legal protection become crucial.

A first aspect concerns the working context. Because of the Italian regulatory situation, in fact, the non-biological mother finds herself in a state of complete invisibility that prevents her not only from being recognized as a parent, but also from taking advantage of the (few) rights associated with motherhood such as maternity leaves, the possibility to obtain working permits and to schedule changes, etc. It is crucial, however, to remember that only those with a permanent employment have access to these rights. One's employment status therefore often becomes a factor that determines who within the couple will carry on the pregnancy. In Maria and Elisabetta's case, for instance, where one had a permanent employment in the public sector, while the other a project-based contract – the employment dimension was indeed crucial. The permanent employment contract would, in fact, guarantee all rights to the biological mother, while the precarious project-based condition allowed – in the absence of rights – higher flexibility in organizing one's working schedule and therefore increased ability to contribute to the care of the baby without having to explicitly disclose the details of one's own situation with the employer.

A second structural aspect concerns precisely the lack of recognition of the status of parent for the non-biological mother. In the present legal system, the one who

does not carry on the pregnancy receives no recognition of the emotional and parental bond that ties her to the child, and this makes her status very vulnerable. Some of the respondents imply that the only guarantee that they have is a strong pact of confidence with the 'biological' parent. Sometimes however both partners decide to carry a pregnancy each via the same donor as in the case of Elena and her partner. This solution is often narrated as strengthening the bonds inside the family and as creating a sort of mutual constraint. Such a decision is often openly framed as a strategy, as Benedetta explains, in the face of the uncertainty of the future:

*For I still promise myself, maybe next summer...or next fall I will try, but... but I do not have a thing for pregnancy...I would do that only to create a family bond from all sides. For my part with Giulio and for her with an hypothetical...so that...I mean I don't know, in my mind, there wouldn't be possibilities of leaving each other... possibilities of... let's say...one part being...more... stronger than the other. But this unfortunately at 40...because I had two stories before her, very important and I wouldn't imagine they might end...even today, now that these stories are over, I realize that, for me, they would last forever.*

Benedetta, 38

As Benedetta's account shows, lesbian couples with children unlike their heterosexual counterpart are vexed with the extra burden of having to constantly contemplate worse case scenarios. On the one hand there is the pressing need to think of the consequences in case of break-ups, on the other there is also a focus on strategies to be put in place in case of one's death. What is granted to married heterosexual couples, i.e. 'a careless' attitude towards the future, translates into a meticulously planned strategies for those whose parenting rights are not recognised. Increasingly, however, the Italian courts are recognizing the rights of social mothers and step-child adoption against the background of the refusal of the Parliament to draft a law that may ensure the parental rights of non-biological parents. This was already a trend when we did the interviews and we will see how that affected the narratives below.

In closing this overview on the different choices made by lesbians mothers we would like to focus on the couples with no children. In many cases, these are people who have chosen not to have children and do not see their project as a couple to

develop in a parenting project. Together with these experiences, however, there are others rooted on the “un-thinkability” (Lingiardi 2013) of a parental project, particularly in the case of men like Marco:

*So obviously living in a country where there are laws that protect you and help you in this way, perhaps would definitely be better for both of us, who knows, we might have had a baby by now, I do not know, I sometimes think about it. Living in a country like this, what I think when someone asks me about this “son thing” - which is something I’ve been thinking about for a while, even before I met Aldo – what I think is that it must be like a biological clock, men have it too - and since I met Aldo, I told myself probably if I were together with a woman we would have the child's room, there would be a child (...). And in fact, it is a bit complicated, you see, the bad thing of a country like this ... is that, the way I am, I can never.... it puts you in the position of always thinking it's a fantasy, you see? And this is also a bit frustrating from a certain point of view. I mean, at 44, a man of 44 years old who wants to have a child is absolutely normal!.. it's even a bit late. [But] for me it is like talking of the Smurfs. [...] I think this is the difficulty, meaning that you live in a context where this kind of thinking is constantly undermined by the idea of... its impossibility, (...). You are allowed to reach a certain step and not the following one.*

Marco, 44

In this case, the choice not to have children or not to think of it as a possible choice is not due to the absence of a desire *per se* but, rather, to the absence of regulations that make this not only materially possible, but also culturally thinkable within the Italian homophobic socio-cultural context. It is worth mentioning that in many stories we collected this “unthinkability” was broken (or at least challenged) thanks to the Italian association of LGBT parents Famiglie Arcobaleno (*Rainbow Families*). As stated in other studies (Cadoret 2008), for many of our respondents who already were or were about to become parents getting to know other parents’ stories through the association and actually seeing babies born and raised by lesbian mothers or gay fathers became a crucial element to reach the final decision of trying to have a baby. As Maria states:

*When I knew Luisa [a lesbian mother], by chance in 2005 and the Rainbow Family Association that I didn’t know before... an entire world opened up in front of me, I heard their experiences, I learned the paths, I learned it was*

*possible... I mean the clinics abroad, how it worked and then I started thinking it was possible, I mean that it would have been possible also for me...*

Maria, 34

Parental associations hence play a key role not only in providing a platform to share information but they also function as a metaspace where meanings are produced, and the possibility of thinking of oneself as a parent is nurtured. In the encounter with other families the desire to be a parent is translated into a project that then, as discussed below, can take different paths.

## **6.2 Becoming parents: different paths toward maternity and paternity**

Assisted Reproductive Technologies (henceforth ART) are regulated by the so-called Law 40 approved after a hardened debate in 2004. The law prevented access to assisted fertilization to unmarried couples and single women and forbade heterologous artificial insemination and research on embryos (Hanafin, 2009, 2013). Pre-implant screening on embryo was equally unlawful as it was embryo freezing. Moreover commercial and altruistic surrogacy were and are both strictly prohibited. In 2005 a referendum was held to vote on repealing the law, but the low turnout made the referendum void and the law remained in place until 2014, when the Italian Constitutional Court declared it unconstitutional. Assisted conception for lesbian couples and single women was thus impossible to obtain in Italy. Lesbian and heterosexual couples alike have been therefore undertaking journeys abroad to fulfil their projects.

Given this normative scenario the experiences of the couples that were interviewed depict a mosaic of different pathways to parenthood that respond to different needs and choices both affective and economic. As an “a priori” distinction is clearly played by gender, we will first analyse the experiences of lesbian couples – which are also more significantly present both in the Italian context of same-sex parents families and in our sample; we will then consider the experiences of gay couples.

### **6.2.1 Going abroad: ART**

The majority of women’s couples that were interviewed had already realized (or were in the process of realizing at the moment of the interview) their reproductive projects in clinics in European countries where same-sex couples are granted

access. Within our sample, the chosen countries were Belgium, Spain and Denmark. These are countries where the access to ART is granted not only to single women but also to couple, and this aspect of "legitimacy" – symbolic and formal – of the parental project shared by both Governments and the Health Services is a recurring element in the accounts of the women interviewed. Together with this shared aspect, there are four additional criteria used to select the country where to undergo the fertilization treatment.

First, there is the different level of medicalization of the reproductive process. Denmark is identified as a place where fertilization techniques are used in a more "natural" way, that is, where the recourse to in vitro fertilization and hormonal therapies are used less frequently, and where hospitals are managed mainly by obstetricians rather than doctors. On the contrary, Spain has been identified as a country with a high level of medicalization, thus with increased recourse to IVF and hormone therapies. In the experiences of the interviewees Belgium falls in a sort of midpoint between these two approaches as it provides access to all types of fertilization, but with a greater predisposition to in vivo fertilization when possible and desired by patients. The legislation around sperm donation also played a role in the choice of the country. For some of the respondents it was crucial to know that the donor's identity could be eventually disclosed. Only few of the participants chose or were planning to choose a known donor within their group of friends or acquaintances.

Secondly, there is the issue of costs. In some countries – as in the case of Belgium – ART can be accessed through the public health system with lower costs; in others – like Spain – it is only available through private clinics.<sup>43</sup> In addition to the costs of medical care, the collateral costs such as airline tickets, the cost of room and board, and so on also play a crucial role. In this perspective, Belgium and Spain are favourites, because they can be reached by low cost airlines and the cost of living is more affordable by Italians standard incomes. The collateral costs are particularly significant because the journey cannot be arranged in advance to contain the costs,

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<sup>43</sup> See the national report on Spain for further information.

but is decided based on the monthly days of ovulation that can be known only a few days before.

The third criterion in the selection of the country is the perception of reliability and professionalism of the clinics based on the information obtained from other couples of women who went through the same journey before. All respondents identified the Internet as the main source where to find all the practical information needed to embark on the path, but it is the encounter with the subjective experience of others that played in their accounts a crucial role in the decision. Apart from the process of choosing where to go to undertake the process of fertilisation interviewees highlighted some critical aspects related to the highly discriminating character of Italian laws in relation to reproductive health. As a result of the impossibility to access ART in Italy as a single woman or a lesbian couple, in many European countries where heterologous fertilisation is possible there is indeed a significant presence of Italian medical teams purposely available for Italian couples – both straight and gay - who cannot access ART in Italy. The strict limits of Law 40, in fact, have produced an exodus of both couples and doctors, and made Italian women among "the best customers" in the market of ART in Europe. On the one hand, the presence of an Italian speaking medical staff is perceived by the interviewees as a positive element that allows to discuss intimate issues in their mother tongue, thus minimizing the alienating effect of traveling to a foreign country. On the other hand, however, it strengthens the perception of discrimination due to not having access to the same services in Italy within the public health system. In this regard, Elisabetta's considerations are particularly eloquent:

*One of the most embarrassing things is that ... abroad, they are all absolutely aware of the Italian situation, almost everyone ... especially the larger clinics have an Italian speaking team, or Italian doctors working there so that one – from Denmark to Spain, from Portugal to Belgium – just goes there and does it all in Italian, that is, the doctor speaks in Italian and, some clinics, particularly in Spain, also have higher prices for Italian women because it's known that in a way or the other you have to leave the country ... so that over there you really feel...like a loser.*

Elisabetta, 34

A fourth criterion is the possibility to an effective link with the health care services and infrastructures related to maternity in Italy. This is because, although the reproductive procedure in the strict sense takes place abroad, part of the process happens in Italy. In most cases the interviewed couples turned to private gynecologists to support them in the preliminary testing and in the regular examinations of fertility and ovulation. This is often done in close contact with the doctors of the foreign clinics so that communication of the results of the examinations, inquiring and sharing of clinical protocols is done directly between practitioners. In some cases instead, support at this crucial stage of planning one's pregnancy happens in public structures that therefore, do not have additional costs. Access to public structure is possible only when the couple encounters a physician who explicitly or implicitly opposes the legislation that prevents individual women and same-sex couples to access fertilization techniques and who is willing to support their path to parenthood. Against laws that are extremely discriminatory of same-sex couples, the experiences of the interviewees told a different story of small but significant acts of "civil disobedience" that are nevertheless restricted to the initiative and ethical values of the single person.

A recurring element in the words of the interviewees is the effort – both practical and psychological – to manage a process of fertilization abroad without any kind of recognition in Italy. As mentioned before, given the physiological timing of the insemination, travels to the clinics are organized on a very short notice and using days off from work because it is not possible to ask for health issues permits. Therefore, to the financial commitment required by this journey must be added the perception of an “invisible conception” that finds no recognition in the workplace and in health care facilities, as well as in the social environment in its broadest sense.

#### **6.2.2 *I want to stay: two ways to resist Law 40***

Although going to fertility clinics abroad was the most common experience among our respondents, there are two different stories that should be pointed out as meaningful economic and emotional “resistance strategies” to the limits imposed by the law. The first is the story of Serena who after several unsuccessful attempts at fertilization in Spain and the risk of having to recur to IVF (that she felt



unnecessarily expensive and over-medicalising) turned to a group of anonymous donors found on Facebook.

*I: We have started in Spain, but catching the planes last minute was very stressful for me, and having to leave was tiring - also because of my work; and it was crazily expensive and after a few times that it doesn't work you think ... also because at the meetings of the Rainbow Families I often asked other people "how many attempts have you done?" and they said even 10, 12...*

**R: Do you mean IVF or in vitro?**

*I: no in IUI (Intrauterine Insemination), the most simple one, it's the one you start with. I had had some exams run by a gynaecologist before starting, I had everything in place, I had the ovulation... although in Spain they tend to tell you that after 4-5 unproductive attempts in vivo they will go for the IVF ... we are talking about 20/ 25,000 euros... and then we found this donor...*

Serena, 36

The donor was part of a Facebook group where potential mothers and donors can know each other virtually and agree to exchange sperm. The donor undertakes to carry out the tests to rule out the presence of genetic and infectious diseases. Following a payment, the couple monitors its ovulation and in the fertile days the sperm exchange occurs anonymously.

*At the beginning I didn't take it seriously because... then it's a Facebook group, so you can become a member and read what happens and this is when I met...I mean there you see how it works and you start trusting, it's ok... I trusted this donor, I asked him if he would be interested...I mean if the baby might meet him in case it would be necessary for her, he said yes, and I thought it was great compared to Spain where they would never get in touch ... then my donor did the DNA test and we ruled out the main diseases, he runs the infectious tests every 6 months. It's surely not as safe as a clinic because in a clinic they freeze the seed for 6 months and then they wait for other 6 months to see if there's any latent disease, while in my case I cannot be sure about this 6 months, [...] but he seemed a liable person, also I think no one really wants to get a disease, like cool I'll catch gonorrhoea, so I trusted him, we trusted him.*

Serena, 36

Self-insemination is all but new in lesbian experiences of motherhood (Saffron 1994) and Serena's story can be interpreted as a 2.0 strategy where social networks play a key role in connecting women and donors. Self-insemination managed together with the partner without the emotional and economic burden of international trips and the progressive medicalization, is perceived as much more affordable than keeping trying in a clinic abroad, while the perception of risk is also minimized by comparing this experience to an occasional encounter among heterosexual people, "the oldest method ever" as she said quoting the gynecologist that followed her. The donor becomes a *person* and, despite the use of technology (in the form of social networks) and anonymity, there still is a process of acquaintance and trust that, albeit totally fragile from a legal point of view, is subjectively perceived as solid. Particularly interesting is the fact that a qualifying aspect of this "reproductive pact" is the possibility for the new born to meet her biological father in case she would express this desire, which is something impossible in Spain and in many European countries practicing ART. Serena's words seem to suggest that, given a scenario characterized by a general lack of protection and rights for LGBT parents, the choice of the anonymous donor and self-insemination – apparently riskier than recurring to a clinic – allowed her to negotiate to her advantage the conditions of this experience and to make it more sustainable both from an economic and existential point of view.

However, in Serena's (and many other lesbian women's) story self-insemination with an anonymous donor is not a simple choice within a range of legal possibilities for conceiving, but a forced path given the impossibility of accessing ART via the public health system. The undertaking of examinations on a voluntary basis, the impossibility of monitoring other children born from the same donor, as well as the absence of formal agreements between the sperm donor and the mothers depicts a high risk scenario both legally (since the sperm donor can claim legal recognition of the child against the mother's will) and from a sanitary point of view for lesbian couples who might resort to it only because they do not have the right to access ART in Italy and because they do not have sufficient economic resources to turn to a private clinic abroad.

The second experience that is worth mentioning is that of Gaia, who decided to go through ART in Italy making use of the inconsistencies in Law 40 and by feigning a romantic relationship with a heterosexual friend who agreed to join the reproductive project of Gaia and her partner. A first reason for this was economic: both Gaia and her girlfriend had a precarious job that did not allow them to invest several thousand Euros for ART at a foreign clinic. The economic costs can indeed prevent many from starting their parenting project. The majority of our respondents, while stressing the economic burden of an ART path abroad, still had the resources whether theirs or the family's to carry it on. The prevalence of this group in our sample can be explained by the fact that we actively sought couples with children conceived within same-sex relationships, and that these were overwhelmingly upper and middle class given the high economic burden required to access fertilization techniques. The experience of Gaia and her partner, hence, becomes an even more significant marker of the double discrimination created by Law 40 that discriminates not only on the basis of gender and sexual orientation, but also social class. Awareness of such discrimination transpires from Gaia's words and her choice acquires the political meaning of a victory against a system that prevents her from realizing her wish of motherhood, a system that can therefore be legally circumvented by acting on the edge of legality. As already noted, apart from the political and economic aspects, there is also an emotional dimension related to the possibility for the new born to know the donor

*I: on the other side, for personal reasons I consider that...well...for me the idea of having an anonymous donor was inconceivable, and this for two reasons: the first reason being that, as I said, I think that being pregnant of someone unknown is for me a nightmare becoming reality, and second because the baby has the right – as far as it is possible – to know her biological origins because I think it's a deep need. This is my personal opinion, which is questionable, but I am convinced of that, hence why for me the option of an anonymous donor was...like... no. I couldn't consider it.*

Gaia, 41

It thus emerges that the choice of taking advantage of loopholes in Law 40 also responds to an emotional need to manage the parental project involving a third male

figure that may become important for both the mother(s) and the unborn. The issue related to an open donor or a closed donor (thus traceable or not by the child in the future,) was a recurring theme in almost all interviews. In the majority of cases, while still problematizing the issue, the interviewees opted for those countries where the father could not be tracked down, emphasising the risks that a traceable father presented in a country such as Italy where the non-biological mother has no rights nor is she formally recognizable. Gaia's choice, instead, focussed on a different aspect, claiming the possibility of a lesbian parental project that included a dialogue and co-responsibility with the male figure –in terms of both biology and relationship – while also challenging a vision of LGBT families as strictly bi-parental.

### ***6.2.3 Becoming fathers: from surrogacy to fostering***

Apart from those fathers who had children from a previous heterosexual relationship, in our sample we were able to collect only two stories of gay couples that became fathers – one through surrogacy and one through fostering. We are aware that these are not representative of the myriad of experiences of gay fathers, but nonetheless we believe they reflect some of the challenges that gay couples face when going through the process of becoming fathers.

First of all it is important to remember that being selected as foster parents for a gay couple is highly rare in the Italian fostering system (as the following story will show) and that adopting a child is legally forbidden for a gay couple or a single man. In this scenario, the first fact that comes to light from the interview is how difficult it is for a couple of gay men to imagine themselves as parents (Bergman et al. 2010). Gay parenting became part of the Italian collective imagination very recently so, as highlighted for lesbian women – the thinkability of this experience is still very fragile not only for society, but also for gay men themselves. At the time of the interview surrogacy was not part of public discourses and its meaning and implications remained partially unexplored. Very few couples of men with children were visible and had told publicly the story of their families<sup>44</sup>. In the case of Ernesto

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<sup>44</sup> During the debate for the approval of the so called law Cirinnà, instead, both media and politicians focused mainly on male parenting and the so-called “uterus for rent” to take position against the law and the step-child adoption. For the law opponent turning to

and his partner, for example, the thinkability of their family project was due, at first, to their reading a book which recounted the experience of a couple of Italian gay men who had children through surrogacy.

*I: At one point, we became aware of the possibility of having children. We even wanted to adopt, I was also for fostering, but he did not want to, because then I get attached and it's difficult to separate from a child you cared for, say, a year or two, whatever that is. Then, by chance we came to know, in a very ... unique way -an article in the magazine Vanity Fair; about this book written by two journalists, who write for Internazionale<sup>45</sup> and live in Sweden, called "Dear Daddy", and the article spoke about their experience. Also by chance here in Torino we came across the book, meaning it was on display and my partner bought it. And...one Saturday afternoon we were home and doing nothing in particular, I was reading by myself, he got the book and he read it for a couple of hours. A book that is very...than all of the sudden...he stood up, looked at me and said "it's possible!" and I asked "What?" "Having a son!" And I told him: "Are you dumb or what?" "We can do it" he said. "Don't be silly", I said and then he started googling putting the word surrogacy on the internet and we came across the Rainbow Family website.*

Ernesto, 60

Obviously, deciding to have children is – for Ernesto and his partner as well as for every future parent – a deeply intimate process which is connected with one's own personal story, values and life project. However, it is telling that the couple identified as the starting point of this deeply personal process the possibility to recognize themselves in the experience of other gay fathers. In the book Ernesto and his partner seem to have found not only practical information, but above all a cultural and emotional imaginary wherein to frame their personal experience as gay men who wish to have children. Whereas lesbian mothers or prospective mothers can refer to the dominant narratives on femininity both to locate their reproductive desires and to be recognized in the parental role, gay men need to fill the gap

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surrogacy to have a child as a gay couple became a trope to stigmatize LG families as against nature and morality, while some feminist groups fought against surrogacy as a form of violence against women. Despite the increase of homophobic discourses against men having children, during the parliamentary debate many gay parents became visible on the media and deconstructed stereotypes and prejudices against gay parenting through their life stories.

<sup>45</sup> *Internazionale* is a current affairs weekly magazine.

between subjective desires and the social imaginary on fatherhood. This process of recognition and sharing among men is a distinctive figure of all their stories.

Again as in the case of the lesbian couples narrated above, the contact with the association *Rainbow Families* was crucial to build confidence, share emotional support and compensate for the lack of both standard procedures and a shared imaginary about fatherhood through surrogacy.

As it could be expected, a second key element in every story of reproduction through surrogacy is the relationship with the surrogate mother. While in Italian public debate and mainstream media the relationship with the prospective fathers and the surrogate mother is depicted as exploitative and/or dehumanizing, Ernesto's story offers a different perspective. While it is undoubtedly true that the surrogate mother receives a remuneration for carrying the pregnancy, Ernesto defined this exchange as both consensual and emotional. In his account the surrogate mother plays an emotional role in the forthcoming family and keeps this role (virtually through technologies of communication or really by mutual visits) throughout the children's life.

*I.: She has three children, three beautiful children, very nice ones, they knew about this choice of their mother, in fact, she wrote to us ... we'll see you on Skype. And she told us that the children, once they returned to school, they talked about the experience of their mother, the fact that she helped two people to have kids, two people who could not have them, and so on. We are literally in love with this woman because she is an extraordinary woman, intelligent ... she told us that she had no desire to raise other children. [...]* Let's say that when we met her, among other people, the two of us...the three of us – because we were three – we sort of chose each other. And now ... she will come to visit for the boys' birthday.

Ernesto, 60

Rather than being a means to an end, the surrogate mother becomes a key subject within the family relationships and family creation through surrogacy. The relationship between Ernesto and the woman who carried his children, instead of 'destroying the natural family', is thus narrated as shaping its borders, creating new constellations of intimate relationship of affect and care. While we acknowledge that surrogacy is a complex political and social issue where gender, class, race and power intersect deeply, it is crucial to shed light on gay fathers' experiences of

problematizing an often Manichean debate that undervalues the voices of both fathers and surrogate mothers.

Together with the story of Ernesto and his partner, it seems important that we report of another story about gay parenting that follows a rather different path, that of fostering. Stefano and his partner began to cooperate with an association of foster families in their city and presented themselves at the foster care facility expressing their wish to welcome a child. The caseworkers and the Juvenile Court Judge valued the couple as a potential foster family and decided for the temporary custody of a teenage boy. The problems arose when it was necessary to finally decide on the boy's definitive custody. The Italian law on fostering does not mention anything about the sexual orientation of the parents and it is exactly taking advantage of this loophole that Stefano and his partner were able, after a long legal and political battle, to obtain the custody of the boy. The couple was recognized as a family able to fully play their role of foster parents against the initial suggestion by the Judge to grant custody to one of the two men as single parents. This would have circumvented the troubling issue of the sexual orientation and reproduce a common practice in Italy.

Here, the parenting experience is very different from that of Ernesto's: on the one hand, Stefano and his partner did not express any wish for biological parenthood – they never referred to this in the interview - but they rather wanted to satisfy their desire for parenthood by contributing to the community and to its well-being through their family's emotional and material resources. Beyond the focus on their personal wishes – this experience allows to speculate on different ways of recognition of gay parenting that might not be biological – such as custody and adoption. Their story tells us about the couple's attempts to affect the existing regulatory system and the “good parenthood” cultural model by concretely opening a space for the LGBT experience. Custody is approached as less a problematic issue than other legal arrangements such as adoption or surrogacy, because it does not affect the children's legal status and does not modify parental ties. And yet, the story of Stefano and his boyfriend is a powerful proof of an ongoing transformation in the idea of parenting in Italy.

### **6.3 Being parents: between intimate relationships and the public sphere**

Once parents, LGBT couples have to define and to make intelligible their family project both within intimate relationships and within the encounter with public services and the community. The notion of being seen and recognized and, most of all, intelligible is central in the interviews collected. The process of being recognized as parents pertains both to the parenting couples and to the parent who has no biological and hence legal ties with the child. The interviews revealed a meticulous work of making the family unit 'visible' both to the extended family and most importantly to the institutions. Again, Italy does not recognize step-child adoptions for same-sex couples and therefore – and this is especially relevant in the case of lesbian couples – the partner who is not carrying out the pregnancy have no legal rights with regard to the new born child. On a daily basis, this lack of recognition is translated into difficulties in the couple's encounters with bureaucracy. However, as mentioned earlier in this report, Courts are increasingly ruling in favour of the social parent, whose role in this way does become legally recognized, albeit on a case by case approach. The issue of step-child adoptions as well as the increase in successful court rulings, were very much at the centre of the public debate when the interviews were collected and this influenced the participants' narrative.

What emerges, therefore, is how respondents are actively adopting strategies of visibility that leaves nothing unchallenged, while new words and meanings are created to compensate the lack of lexicon to define previously invisible relationships. A new vocabulary that is used not only within the family and among friends and acquaintances, but also within the larger community. Invisibility and ignorance of the multiple ways of doing a family are constantly thought against in the hope that the legitimations gained within one's extended families, one's neighbourhood, one's children's school, will trickle down to the wider society. This process, however, often means that acceptance is predicated not on the unconditional legitimation of a plurality of ways of doing families, but on the assimilation to a mainstream family model.



**6.3.1 *Negotiating the lexicon of kinship: new words and concepts to define family relationships***

A first key strategy that emerges from the narratives collected is the ways in which parents modify the heteronormative language of kinship and parentality to account for their specific experience. This does not necessarily mean to create brand new words or expressions to comprise one's experiences and affective relationships. More often it is about forcing the boundaries of heteronormativity in order to make room for LG experiences and, as a result, trigger a change within family relationships more in general.

*We do not feel the necessity to introduce ourselves... we arrive, that is what we are. Me and him, me, him and the boy [...] My partner once said to a guy who lived next to us and wanted to visit us: "Yes, I will be delighted (if you visit us), so you will meet my family, my (male) partner and our affiglio" we coined this term affiglio, that comes from **affido** (foster) and **figlio** (son).*

Stefano, 49

*They call me mamma obviously. In a very spontaneous way, because I am always here.... I live here... and consequently... mamma... they also call me babba.... This is something I am really proud of... it happened because of a bad cold they caught last winter... They could not say mamma... it came out as babba. I loved it so much that I insisted on babba and now when they have to distinguish us they say mamma and babba... I think that babba really breaks every prejudice... is like the Berlin wall... babba is the missing link between the traditional family and the family of... sick... synthetic....*

Chiara, 40

Words reproduce specific kinship relationships as well as specific gender roles. This is crucial everywhere, but in Italy this has a special twist connected with the mainstream gender culture on the one hand and family culture on the other. The word *affiglio* coined by Stefano and his partner to define their relationship with the foster child can be interpreted as a way to legitimize their parental relationship and to broaden the ways a son-father(s) relationship can be defined, beyond blood ties and heterosexuality. On the other hand, the expression *babba* – the female declination (which doesn't actually exist) of the word *babbo*, an old fashioned and somehow sentimental way to call the father, challenges traditional gender binaries within the family structure. Words define not only the relation among parents and

sons/daughters, but are also used to try to account for the parenting project and process more broadly, as in the case of Gaia.

*R: Then we identify a donor, a friend that for various reasons was perfect and was willing to be part of the reproductive process but also was willing to bet with us on the possibility of forms of non familial relationships, but sentimental relationships...I don't know how to explain it... he was in principle at least, willing to create a relation of non-paternity with the new born...*

***I: What do you mean by non paternity?***

*R: Not being a father from the legal point of view, hence not recognising (legally, the child), hence not taking upon hiself the duties and honours of the role, and then being a male figure in the emotive universe of the boy or of the girl; that does not imply being a father though. Now like... I am going to say the nearest thing I can imagine in my stereotyped universe, like an uncle, but then he might not be an uncle and we might want to call thingumabob and it means whatever will grow out of (the interaction) between the two of them...*

Gaia, 41

In their reproductive arrangement Gaia tries to account for a new way to frame a family – as a sentimental relationship among three adults and a newborn – and to define a new way to describe the emotional relationship between the newborn and his biological father beyond the traditional and legal notion of fatherhood. Finally these micro-practices of redefinition of kinship relations affect not only the nuclear couples, but also the extended family. The history of Maria – whose parents have been divorced for long time now – is particularly eloquent.

*My father's wife said "oh, so you are going to be a granddad again" ... and he said "oh yes and you... you will be a step-grandmother". I looked at them and said: What? How? What does step-grandmother mean? She is a grandmother like everyone else, what does step-grandmother mean? What are you talking about dad? You are getting it all wrong dad, you did not understand a thing because if she is a step-grandmother then I am a step mum and if she is a second class grandmother than I am a second class mother... you did not get the memo [...] This just to understand the complexity of the issue, this has been really important because it astounded them... it opened... Bum, the lid was off [...] why should she be a second class grandmother? Because there is my mum who will be a grandmother? Because she does not have a (genetic) connection with me?*

Maria, 34

The experiences of LGB families thus help deconstructing the very nature of kinship, opening up a space to build a new ground to define the boundaries of what is a family, what is needed to be part of a family (blood ties? Love? Will?) and which relationships are built between its members regardless of blood ties. The point hence is not only to make room for LGBT experience, but to find new ways and words to account for the complexity of every family project. However, if new narratives and experiences emerge in the private and intimate space to redefine what counts as a family, challenging heteronormativity in the public sphere seems to be much more difficult.

### **6.3.2 *Being out in the community***

Almost none of the collected interviews reported about episodes of discrimination or homophobia occurred in the context of encounters with Health Care Services, the educational system or one's child's classmates' parents. The majority of respondents defined those who they encountered as 'good people' that did not discriminate, but who rather showed surprise or at worst only ignorance about the possibility of same-sex parenting.

The experience of Amanda and Isabella when their children entered kindergarten is representative of the stories we collected:

*From the people we met at the beginning we had some very nice reactions. For instance, one day I brought Lisa (to the kindergarten) because Marco was sick; and I met Leonardo's mother who introduced herself saying "oh hi, I'm Sara, Leo's mum, you're the mother of the twins, right?" I said "Yes, I'm Amanda, the mother of the twins, nice to meet you"...few weeks after there was a meeting at the kindergarten and she [Amanda's partner] went and I stayed home, because one of the children was still sick...and this mom...when the teachers said "she is Isabella, the mother of Lisa and Marco" this mom said, smiling..."What? I met another mom..." and Isabella said "yes, we are two moms of the same two kids"...thus, Leonardo's mother had got it right, ...she had just made the situation explicit in a nice way by saying "what? I had met another one..." and after that, those parents who were more aware about same-sex parenting said "wow, that's beautiful", while those who had never crossed path with nor heard of same-sex parenting found out about it in a nice way. No questions...nothing special.*

Amanda, 38

In addition to the generic greeting from the social context, the encounter with the Public Services raises the issue of recognition of the non-biological parent who, unable to claim the legal status of parent, finds herself in a position of illegitimacy. Here, again, the experiences of the interviewees were mainly positive, that is, they did not refer of episodes of explicit exclusion of the non-biological parent from, for instance, the picking up of the children from school, their participation in school meetings or in case of hospitalizations. However, the interviews also showed awareness of the fragility of this “non-discriminatory” condition which is based exclusively on the sensitivity and behaviours of the individuals encountered in the public services, who are not bound, though, by any regulation or law in this regard.

*I'm living this illegitimate situation in a very calm way...sometimes I think about it though. If you are lucky to meet a sensitive person, he understands...but it's not granted that you always actually meet a sensitive person..... and the only thing that I can say is “I am the mother's partner and the other mom”...but in Italy, in fact...I am not that. I am no one.*

Isabella, 38

***I: So... this experience with the medical staff has been positive?***

*R: Yes, absolutely, they treated us all the time as the two mothers of Mirella. Even when Mirella was born, in the hospital of XXX... of course...wherever we go we immediately say how our family is and we never had any problem until now...of course we are aware that it all relies on the goodwill of the people you meet. Because if you find someone rigorous and bastard who wants to prevent your partner from...I don't know... even only holding the newborn...he can actually do it.*

Enrica, 44

Instead, what is recalled in the narratives collected as actually discriminatory is the bureaucracy. The forms, the formal documents, the proxies for picking up the children from school, etc., never contemplate the possibility of parents of the same sex and thus embody the discrimination these families go through. Often, the medical or teaching staff works as mediator by offering practical, albeit not legal, solutions to deal with these forms of discrimination: for example, they may delete the entry “father” from the documents or they may not require the signature of proxies, thus ignoring the absence of a biological and legal bond.

*Usually, faced with the institutions, one of us does not exist...I mean...if you have to deal with a person, that person even if he represents the institution,*

*he treats you, in our experiences, as... mother and mother...but if you deal with forms or rules...in Mirella's school I am no one; I do not exist. I am not a parent, I am no one.*

Enrica, 44

There are cases, though, where this cannot happen, and where the lack of formal recognition translates into a clear limitation of parenting for the non-biological mother, therefore showing the fragility of LGBT parenting in a social context where there are no rules nor rights. Lara's experience is quite significant in this respect:

*When you subscribe to the public educational service, which now happens online, you don't have the possibility to write a female name as other parent, because the system doesn't recognize it... there are several other things that are more difficult in the daily life...(...). In fact, there is obviously the practical and ideological need to be recognized as a family, otherwise it would be much easier just to write down one name...considering that for the Italian government Grazia is actually a single mother! I can't even think to go on a trip alone with Paolo. Not only a trip by plane, in which case I have to go to the police office to get a proxy, but also, as absurd as it might sound, a trip by car...if I go to [city in the North] to see my parents and I'm alone in the car with him, and I'm asked for IDs...I don't know...if they want they can make a fuss because I have a kid without ID with me, who is not my son and he's nowhere on my ID...so sometimes you feel like saying "NO! I want my name written somewhere because this is my reality...thus, go on! Write father...I don't care if it says father/parent 2-3-5-7- or just parent and that's all...but I want my name there!"*

Lara, 36

The level of inclusion and the exposure to the risk of discrimination of LGBT parents is related to the socio-cultural context they live in, particularly in reference to the North/South divide. For instance, the story of Giorgia and her partner from the South of Italy is completely different from those we have analysed so far, and it demonstrates, if not an explicit discrimination, a non-respectful and non-inclusive behaviour. With time, these attitudes engendered distrust in the Public Service. Giorgia and her partner, eventually chose to see a private paediatrician and to send their child to a private kindergarten to avoid exposing themselves and their daughter to discrimination and, importantly, to avoid a judgment on their parenting skills. In their account the Public Service is perceived as not only unwelcoming, but even

dangerous for the well-being of the family, as shown here by reference to the danger that social workers may take away the child from them:

*I don't think there is any [welcoming kindergarten]. Maybe in the cities in the North is different already, but here the thing would be seen as weird. Because there is none... maybe in Bari there is.... It will probably be private. You pay, they cannot say anything, they can only gossip and so but...in the public school you are the target of these social workers, these kind of things, some rumours...*

Giorgia, 38

The absence of rules and rights makes those couples who live in a more homophobic context or who lacks the cultural or relational tools that would allow them to implement strategies of resistance and negotiation within the community more vulnerable. It is also possible to speculate that the ongoing homophobic and violent tone of public debates around same-sex parenting is making it more difficult for LG parents without a larger support network to decide to come out in front of the larger community.

The question of the perceived degree of acceptance lead us to consider another aspect that emerged from the data, namely the conditions under which LGBT parents can negotiate their inclusion within the community. If it is true that all respondents reported positive experiences, they also provided numerous accounts of the never-ending work of having to constantly present oneself and one's own family in a way that is perceived conducive of greater acceptance. Since their coming out as parents, the weight of their visibility and openness toward the other appears to inevitably fall upon the couples themselves. Also, as it is clear from the following excerpt, the success or failure of the encounters with others and the degree of inclusiveness and homophobia the parents may experience is perceived as depending on the way the couple introduces itself.

*The first step toward an opening has to be made by the person who's directly concerned. If you have some difficulties or...limits...or restraints...you don't allow people to positively surprise you...*

Isabella, 38

These steps to be accepted as legitimate parents and to be recognized as a family refer, in very practical terms, to the couple's participation in the life of the community. , But they also have much to do with the representation the couple offer of itself as good parents or perhaps, as Ernesto put it, as better parents.

*We were very careful because we wanted to be better than the others, it was important to set the example in order to let the others understand that we were good, good parents. This is what I mean, you see? Today, you have to allow others to understand that we are ...better...than them... They cannot confine us in a ghetto, right? They cannot, they cannot do that...this is what we are saying.*

Ernesto, 60

*As a person who start disadvantaged, who always has to clarify one's position, I feel the burden of... having to be a little more enthusiastic. For instance, I was talking about the kindergarten to these mothers from the Famiglie Arcobaleno who said that in order to be seen as a normal and happy family they had to work a lot, so they were all...what's that called? Class representatives, they organized a lot of parties so that all the kids would go to their house, and their parents would bring them there...I mean...a lot more work than other people who can just say no, I'm not interested in that, period. I think I will have to work much more, we will surely have to work much harder because this seems to me the right path to fight against prejudice... exactly by making people coming over to your place, getting them to know you, being there, you have to be a little smart, you cannot stay by yourself in a corner.*

Serena, 36

LG parenting is so culturally and legally fragile that parents are called to a continuous relational work to perform as *good parents*, as if same-sex parenting cannot be considered, a priori, as *good parenting*. The heterosexual privilege on the one hand, and the heteronormative structure of society on the other, become visible and perceivable in these daily micro-practices where homosexuality is a condition that has to be constantly negotiated and where, in order to gain a full access to the status of parent, one has to constantly prove one's "normality". If, then, LG parenting has indeed the potential to engender a transformation of the very notion of the family (by redefining the vocabulary of relationships both within the couple and in relation to the extended family), in the encounter with the public space this

transformative potential seems to lose in efficacy: access to full recognition appears to be guaranteed only at the price of homogenization to heterosexual models.

Moreover, this continuous relational work on their parental identity was perceived by all interviewees as deeply political, and therefore capable of fighting prejudices and contrasting homophobia. However, if it is true that inside the interpersonal relationships of these couples the social models were bound to change, it is also a fact that within the Italian context where there are no rules and no rights safeguarding LGB families, this constant work of presentation of oneself is in itself symptomatic of the discrimination LGB parents face in their daily lives.

### ***6.3.3 How to navigate a system that ignores us: stories of legal strategies***

Given the current legislative vacuum, LG couples with children have found, over the years, some legal tools within the civil law to defend their family projects, especially with the support of lawyers from the Rete Lenford<sup>46</sup> and the *Famiglie Arcobaleno* (Rainbow Family Association).

The most common legal strategy consists of private documents that have a double aim: on the one hand protecting the parenting path of the couple –in case of tragic events such as the death of one of them and/or separation with particular attention to the non-biological parent; on the other hand, collecting evidence of their own family project to advance their case in the Court and ask for recognition of their family relationship.

Documents are deposited at the notary office and usually refer to three areas: they define the common intention of the parenting project in order to claim the status of parent for the one person of the couple who has no biological implications; they make explicit the sentimental and familiar character of the couple; they clarify the testamentary intentions with reference to both the material belongings and the custody of the children in case of death of one of the partners

As private documents these do not really have any legal binding, but they are preventive tools that might be used to decide on the custody of the children in case

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<sup>46</sup> <http://www.retelenford.it/>



the biological parent were to die. They can also help in case of disputes initiated by the families of origin when they are not willing to recognize the partner of their son/daughter as a parent, and in any other litigations where it is necessary to prove the family relationship of the non-biological parent.

In addition to the signing of private documents, there is also what many interviewees called “leaving traces”, meaning the process of documenting the involvement of both partners, since the beginning, into the parenting project. In this case too, the documents are not strictly legal, but they rather represent an attempt at making public and demonstrating as much as possible that the parental project is shared by both partners. The *traces* are left, for example, ever since the ART path starts abroad. Silvia’s case is paradigmatic of many stories:

*Already on our way to Copenhagen for our first attempt I realized I was acting with the aim of having this project recognized as a project of the couple, so...for instance, in Copenhagen I paid it all...as a way to say...this is mine, because I am the non-biological parent. So...I will demonstrate...from the economic transaction...that this project is mine too...and I know this is awful but how can I say...[...] Same thing at the clinic, I’ve signed the document...when my son will be here I will frame this document because it shows my bond to him, which is not recognized otherwise.*

Silvia, 40

Double signing, going through the ART in those countries recognizing LGBT couples, and the traceability of the economic transactions are the first strategies for building the legitimacy of the parental project. Once in Italy these traces take the form of attempts at forcing the bureaucracy, for instance when both parents decide to always sign all the forms related to medical exams during the pregnancy, the hospitalization for the delivery, the school enrolment, or the paediatrician. In this case, again, these tools have a value that is not legal, but they are a proof documenting the couple’s will and the development of their family project. Also, documenting a family’s memory through objects, photos and family’s parties, or through private texts or drawing exchanged between parents and children, is a way to show the success of the family project and particularly how the wellbeing of the children confronted with their parents' homosexuality.

*The lawyer explained to me that (the result) really depends upon which Court (will examine your case), however, even in the case of a court willing to examine your case (of a step-child adoption) you have to demonstrate that your cohabitation dates back five, six years, that the child recognises you as... that he or she spent (with you) Christmas, the summer holidays (...) so, if in five, six years there still won't be a law, then we can try the step-child adoption, in the meantime we collect Christmas Cards, letters, home movies, as other couples told me (they are doing)...*

Gaia 40

Christmas cards, home movies and proof of a stable cohabitation are material proxies of the couple cultural intelligibility and become the markers of a familial project worthy of recognition. In Lara's narrative are reflected the Rainbow Families movement's strategies but also the possibility of strategically adhere to normativity in order to pursue one's aim. As Benedetta explained, this strategy is a response to the precariousness of the process of recognition. At the time of the interviews only one couple had been undergoing successfully the process of step-child adoption. In the LG parents' movement's narrative this has been possible precisely because of the ability to demonstrate during the trial the couple's stability, cohabitation and long-term parenting project

*because the deal is this... there is no blueprint, they are making it up... the Rainbow Families association is helping us by saying that statistically it works to collect as many documents as possible [demonstrating] the existence of a shared familial project... from the pictures in the labour unit... in the clinic... both signatures [should appear] on every document. We both signed every document. When he will be born... for the nursery [the association suggests] that we refuse the power of attorney but we ask to be both included in every document. Because the only couple that managed... because we are talking only about one sentence that might eventually be challenged... the couple followed this path... the consolidamento familiare ...(family stabilisation) And they demonstrated the familial project, the family, the affective and economic ties... within the couple and between the non-biological mother and her daughter.*

Benedetta 38

It is interesting to notice how this strategy that is performed by all the couples interviewed as a way to obtain a future legitimacy is also openly defined as such: a strategy of passing that forces the couple to present themselves as a flawless family in order to gain the rights that other families do not have to prove to be worth of.

A final element of legal protection put in place (or planned) by many of the interviewees is that of getting married while having the children or at the beginning of the reproductive path. Recognition in another European country, although not legally recognized in Italy, was seen as a further step to make the parental project more solid and to be able to claim even in Italy, one day, one's own status through legal action. These marriages, as seen above, have been at the center of a big controversy in 2015 with regard to their potential transcriptions in local registries. It would be interesting in the near future to understand the consequences of the approval of the Cirinnà law; stripped of the step-child adoption provision the law does not grant recognition of one's parenting project. However would a legally recognised union be considered as a mandatory step in the assessment of a relationship? Will it be adopted as a protection strategy? The different protection strategies undertaken by same-sex families play a dual role: on the one hand, they serve to protect the individual families (adults and children) from the risks related to the absence of rights at the present moment; on the other hand, they help to build some social and legal precedents to claim rights and promote a social transformation for the LGBT community in the near future.

## **7 What about the law? Expectations about the recognition of same-sex couples and homophobia.**

The well-know piece by Bertold Brecht, 'Waiting for Godot' was an effective metaphor to describe the atmosphere of uncertainty and mistrust of the real possibility of a recognition of same-sex couples and their children within the Italian LGBT community. That same atmosphere couple be recognised in our sample at the time of the interviews. At the core of the interviewees' narratives was the perception of a sheer uncertainty about if and when their unions would be recognized, an uncertainty that mirrored the cultural and political debates of the last decade. What follows can shed an interesting light on the hiatus between the rights that have been achieved since the introduction of the law recognizing same-sex

unions and the desiderata of this group of informants. Acknowledging the uncertainty that still characterizes the life of LG couples with children, the next section analyses the respondents' expectations about the introduction of a law on the recognition of same-sex couples and explores both its symbolic and material aspects.

### **7.1 The law as a pedagogical tool**

The absence of a norm for LGBT couples and parenting was identified as a form of institutional homophobia that legitimized the micro-forms of homophobia in everyday relations between individuals. As effectively stated by Domenico, the State itself discriminates *a priori* LGBT people by not recognizing their rights and in so doing it legitimates homophobic and discriminatory behaviours by its citizens.

*I mean it is the state itself that discriminates you in the first place... because it does not grant you the same rights that other citizens have...so in a way the state gives the possibility to everyone to discriminate against you... because the state itself is the first to discriminate... then it becomes difficult to say that someone who shouts 'faggot' at you is discriminating against you... because if institutions do not recognise you why shouldn't people call you a faggot??*

Domenico, 46

Even though in the interviews there was a general recognition of an ongoing transformation of stereotypes and prejudice on identity and sexuality – especially in the North and in urban centres – the approval of a law was invoked as a tool that not only could (and should have) provided rights to individuals, but that in so doing would have had great pedagogical potential to counter homophobia and discrimination. A law gives a social status to couples and individuals and even though that would not guarantee the complete overcoming of homophobia and homophobic behaviour, certainly it would allow individuals to feel secure and society to marginalize certain discriminating/homophobic behaviours, as was the case for racism. Chiara was very clear in this respect:

*[...] yes, it does give you a status... I don't feel the need (for a law) but I do understand that from society's point of view it would be really important... once you are recognised as a couple, as a family... as wife and wife... (...) things would inevitably change... (...) which does not mean that homophobia will disappear... but it will become a voice among a variety of ways of living*

*and of understanding people's lives... I mean we will never get rid of racism... racists will always be there... so homophobes... but things will change...*

Chiara, 40

Somehow the law can be seen as providing a frame of existence for individuals' experience and as setting a threshold beyond which discriminatory behaviour or prejudice are not legitimated. This does not refer only to adult couples, but also to the real and potential discrimination that children of gay and lesbian families may suffer and for which the law, as it is at the moment of writing, does not grant any recognition. The 'legally dubious status' of LGBT families makes them invisible and vulnerable not only in material terms (as we have seen in previous section), but also, and sometimes especially, in symbolic terms.

*For instance often children when they want to convey a negative judgement on a family... they say that your family is illegal... it does not exist. (...) this is what we often hear happens in schools... I think [a law] could help. Clearly it cannot be just that... It is a cultural change... you cannot just do it with a law... as for divorcees: the legalisation of divorce did not prevent children of divorcees to be discriminated against when they were the only one in a school to have divorced parents... but it's a way... let's start by all having the same rights and then we can open a discussion about your prejudice.*

Enrica, 46

The experience of other European countries that have regulated same-sex unions and recognized civil rights long ago is often invoked as the empirical evidence of the educational and cultural effectiveness of the passage of a law. The recognition of unions is expected to trigger a virtuous mechanism that affects language, visibility and legitimacy of same-sex relationships by changing civilization and citizenship, as Silvio said referring to his experience in Germany where he lives with his partner for part of the year:

*We have been experiencing how life in Germany is, for a while now. Our neighbours say 'this is my husband' 'this is my wife' and there is no marriage there, but something similar to what they might end up doing in Italy... but you can really feel it... how then things change... I would have never imagined it, but now I really think that (a law) changes society, the way people think and maybe it helps in some way all the rest...*

Silvio, 62

The pedagogical potential of the law is not only invoked on a macro-level – in terms of culture, society and language – but also on a micro level within family and emotional relationships. Many respondents referred, for example, to the importance of this recognition for their parents and families of origin. The "normalization" of gay and lesbian experience that would come through a legal recognition would allow families to have a social key, and not just an emotional one, to account for the experiences of their children and to manage their visibility as parents of homosexual children within the community. In the Italian case this claim is much more common for respondents living in southern and central Italy, where traditionally the judgment of the community is particularly important to legitimate the experiences and choices of individuals. The story of Giorgio is illustrative of these themes:

*My parents would probably be prouder, calmer.... In a sense they would see it as something that is even more... "Ok, so as Giorgio's parents we are accepting... but now even those who haven't accepted him so far are in a way forced to, they have to see it as normal...."(...) Actually my mother would probably find the strength to say ... "actually, you know what?" ... knowing her, she would probably wear it as a badge of honour....*

Giorgio, 28

Reflections on a law against homophobia are partly similar and partly different from those on the legal recognition of partnerships. From a certain point of view, also in the case of homophobia the main point is symbolic and pedagogical. By defining what is legitimate, the norm makes a range of behaviours illegitimate and changes the very notion of what is "normal" or acceptable in social relationships. Silvia makes a comparison on sexist language and gender violence that is particularly useful to understand this feature:

*To put it simply, where you can position what you are doing in a continuum that has sanctions on one side? This question in itself allows you to understand to a certain degree...*

*For instance my dad is adamant that when someone on the road catcalls me a 'hot chick' is giving me a compliment! I meant it is hard to explain to him*

*that that is no fucking compliment! [...] Then maybe if there are laws that say it... I mean this is not violence against women but if you catcall me where does this action can be positioned in relation to violence? [...] then you can say, well [it can be positioned] here... you are close... seeing the continuum is a way, and a law allows to make it more explicit... it allows you to see where your actions are positioned [in a continuum....]*

Silvia, 40

Alongside these arguments, interviewees claimed for positive actions to actively countered homophobia and discrimination. Since interviewees attribute a transformative potential to a law on same sex unions due to its symbolic value, a law on homophobia could be effective only if it comes together with actions that prevent homophobic bullying and overcome gender and sexual stereotypes, especially toward younger generations. For some respondents positive action was even more important than a law that runs the risk to be merely ideological but which may fail in the end on the operational level.

*Well, from a symbolic point of view and with regard to people's perception... they will probably start getting used to the idea because... if it is defined by law... But I think this is not enough, it is a necessary condition! But there needs to be a larger vision behind... because if you have a law and on the other side... at school you keep reiterating the same paths that contradict this... I think a cultural shift is needed, we need to dismantle the culture that is permeating society... otherwise we won't go anywhere...*

Donatella, 46

*I think that it would be important to think about a coherent program... of sexual diversities in schools starting with middle school which is the worst... maybe the second or third year of middle school (...) and then through to high school... that would be more sensible than a simple law against homophobia.*

Daniele, 45

Interviewees identify the school system as the key institution to produce this social change. On the one hand the reason is obvious and it refers to the very mission of education. On the other, the schooling experience was biographically meaningful for many interviewees: preadolescence and teen years were remembered as the most complicated in life – in terms of identity management, peer group relationships and experience of discrimination – and school is remembered as totally incapable of welcoming diversities and countering homophobia.

## **7.2 We want bread and roses: on equal marriage and civil partnerships**

When asked about the form of a legal recognition of their relationship that would suit their interests/desires interviewees demanded equal marriage. Anything less than equal marriage was often defined as an *unacceptable compromise*. Similar judgements were expressed in the aftermath of the approval of the law in May 2016, in particular given the removal of the step-child adoption. This is particularly interesting since in the past decade the political debate has been focusing on the legal recognition of de facto unions/ a law on civil unions and only in recent years within the LGBT movement a strongest position lobbying for equal marriage has emerged. However, the meanings interviewees ascribed to this request vary greatly and outline a multilayer scenario of the symbolic and material aspects connected to LGBT full citizenship.

Some of the respondents criticized marriage as a patriarchal and conservative institution: key feature of their argument was the normalization and alignment to heterosexual patterns that marriage would produce and the consequent weakening of the transformative potential of the homosexual experience. This was particularly the case of older interviewees that belong to the 70s and 80s social movements' generation and of interviewees that are involved in contemporary radical LGBT groups.

*I: I belong to the generation that fought against marriage and so if I would get married now I would not get married for love in the sense that it would feel a bit ridiculous... it would just be for the rights. I think it is vital that equal rights are recognised but I always thought that marriages, heterosexual and homosexual marriages, are rather silly...*

**R: and how do you envisage the institution that would grant you rights?**

*I: well now, it has to be marriage, civil marriage.*

Silvio, 62



*I see the cake with the white dress, both with a white dress I mean... all this iconography of lesbian wedding... this is what comes to mind... but I assume that there is a similar (iconography) for gay men that emulates the heterosexual imaginary... as if the only difference was the sex... no really, at the end it's the same, roles are just recreated...*

Gaia, 41

It is interesting that even people who upheld the most critical positions with respect to marriage and its heteronormative symbolism believed that, given the Italian context, it still is the only possible way for the recognition of rights, “it’s a must” as Francesca claimed.

*Unfortunately in this country we got to a point that marriage is a must... I don't want to get married at all costs...[...] But then if you live here and things do not change [you really do not have alternatives]...*

Francesca, 22

*I: As things are in Italy today... it cannot be anything else than marriage... because otherwise it would be second class... because marriage in Italy has such a huge importance, so I think that any other form of recognition would run the risk of being labelled second class... so I think it cannot be anything else but marriage... I am not really excited at the idea that [marriage] is the only thing that they are able to come up with ... we are so far behind...*

**R: You are not fond of the institution, are you?**

*I: hell no!![...] to me being homosexual is the occasion to get rid of traditional models and to have marriage as the only viable option... it loses part of it [...]*

Silvia, 41

In light of the current legislation it is even more interesting to read what the participants thought of civil partnership at the time of the interviews. Across the interviews the approval of a law on civil partnership (and not on equal marriage) was defined as institutionalizing a partial and hierarchically lower citizenship for LGBT people.

*Tomorrow I am going to a cousin's wedding, a heterosexual couple that is getting married in the same place where [civil ceremonies are held]. No difference, there shouldn't be any difference. The question of giving a different name to something that already has a name... I can't... I don't understand and actually it does make me nervous because it is always*

*something that is granted by the like of Binetti and Giovanardi that one day wake up and decide that my life can be this and cannot be that. So if my life is a marriage than I want to get married... Full stop...*

Daniele, 45

*It is true, it's discriminating and it is both an ethical discourse and a theoretical one... but so it is and what do we do, we accept the discrimination and we put ourselves in an enclosure just for us, how are we different from others that we have to have different laws that protect us (...)?*

Marco, 44

Civil partnership for same sex couples – and not for both heterosexual and homosexuals – is also framed as umpteenth discrimination that – as Marco stated - *puts gay people in an enclosure* highlighting their difference from the norm. This narrative is explicitly political and the demand for marriage thus becomes the symbol of a claim for the very existence and visibility of LGBT people.

*The fact that I can say to the guy at the gas station “she is my wife” has a strong political and social value... no doubts about that because if no one say it, it does not exist ...*

Cristina, 51

*I mean, I want it. Full stop. Because you have it. It is not that I want it because... like if I need a justification...! “I want it because if I get sick, you know”... you should pity me... I am weak... If he dies... I mean I always have to give you an apocalyptic scenario to justify something that is absolutely normal. I mean, I want marriage. Why? Because you have it! It is not something that I have to explain... it is not that there needs to be a practical reason to justify it...*

Francesco, 32

Alongside the symbolic aspects and the claim for full citizenship, marriage is identified as the concrete possibility to access rights that affect the material daily well-being of LGB couples. The possibility to pay taxes as a couple; to be identified as partners for the health system; to manage inheritance, properties and heritage as a couple; and above all the possibility to be recognized as the legitimate parent of the child when there are no biological bonds. When the narrative moves from the symbolic level to the one of material rights, the opinions on typology or, rather, the nomenclature of the institution for the legal recognition of same sex couples

becomes also more nuanced. The “marriage at any costs”, gives way to "rights at any cost", even at the cost of giving up on the symbolic importance of marriage accepting instead a civil union that guarantees the same rights while mediating with the Catholic part of the country.

***R: How do you envisage a potential legal recognition?***

*I: Well as 100% equal rights, then if you don't want to call it marriage because this word upset the holy Catholics, fair enough! Call it carrots and potatoes; I couldn't care less, honestly! But rights and duties have to be the same! (...) Now with regard to the nursery I figure as a single earner, which is a positive thing because [the fees are lower] though I'd happily pay more, we both work and it would make me much happier to be [recognised] than to save 50 euros...*

Serena, 36

*We really need to agree on what we mean by marriage. We want religious marriage? No, I am not interested.... [what we need] is to figure out a way to legally recognise the relationship between two people. When a couple decide to build a new family it has to have, for all intents and purposes, the same rights as a heterosexual couple. That's it.*

*(...) [Marriage] is a name. You can call it how you prefer... I mean if Catholics feel threatened because homosexual couples are changing the perception of traditional marriage... well then call it another name... it is just a name. I don't care. The important thing is that there is [a recognition]... laws that protect people's right.*

Luca, 46

Indeed it appears that to accommodate the position of certain catholic groups, the recently approved *Cirinnà Law* was stripped of all those provisions that would symbolically equate it to marriage. In *primis* the possibility of conceiving or parenting within the couple has been deemed unsuitable for same-sex relationships. The desire to differentiate from marriage is also now leading many right wing local governments to hijack the celebration of ceremonies in city halls; similarly some majors have appealed to a sort of conscientious objection that would allow them not to officiate same-sex civil unions. Despite all this, however, there is now in Italy a law that, albeit far removed from the respondents' expectations, has stuck the first nail against the inclination of the Italian legal system to deny of LGBT identities.

## **Conclusion**

The present research, despite relying on a limited number of interviews, provides an illuminating and important snapshot of the current situation in Italy, of the challenges our informants faced and the strategies that they put in place to compensate the lack of legal protection. The ongoing and persistent refusal to legally recognise homophobia as the cause of violence against LGBT individuals and their partial access to citizenship rights is counterbalanced by what appears to be an increasing acceptance of LGBT identities within Italian society.

Against this background the interviewees negotiated their visibility as gays and lesbians and as partners in LG couples. As we saw, different strategies are employed within one's family, circle of acquaintances and in the workplace. The decision to come out within one's family of origin is often predicated upon one's perception of the capacity of relatives to negotiate the news. Similarly to what has emerged from previous research (see Bertone and Franchi 2008) the family's eldest are often presumed to be unable to deal with a definition such as gay or lesbian that has been so often stigmatised and filled with negative meanings. In the narratives collected here, however, that rarely meant hiding or lying about one's relationship. The lack of a clearly defined moment of coming out was often perceived as a way to prevent tensions, even though it was based on the perception of an implicit acceptance of one's identity and relationship.

The arrival of children, however, shapes enormously one's strategies. We have seen, for example, how children make the couple *de facto* visible not only in relation to one's extended family but also paradoxically in relation to all those institutions that are routinely unable to recognise parenting projects other than in relation to the heterosexual couple. It is in the context of these encounters that our respondents engaged in never-ending acts of resistance aimed at being recognised as one's child's parents.

As already mentioned, the interviews upon which this report is based were collected before the approval of the Cirinnà Law on civil unions. Undoubtedly the new law reduces the discrimination gap by granting same-sex couples some of the rights that civil marriage traditionally granted to heterosexual ones: assistance of the

incapacitated partner, survivor's pension, inheritance, the possibility to access certain welfare benefits and a different taxation regime. While in our respondents' narratives these aspects were still identified as highly discriminatory, we can reasonably hope that with the full implementation of the law these forms of discrimination will gradually disappear. However, reading through the narratives of our respondents who identified equal marriage as the one and only desired form of recognition of their unions, the Cirinnà Law appears as clearly far behind their desiderata. In fact, it seems to institutionalize a partial and hierarchically lower citizenship for LGBT people. While the rights granted through the bill technically mirrors the rights associated with heterosexual marriage, on a symbolic level the public and political debate obsessively stressed the difference between this form of legal provision and heterosexual marriage, underlining an everlasting distinction between LG and straight citizens.

In the interviews collected, our respondents often expressed the desire to overcome this distinction routinely pointing at the ways in which they feel they are granted a second class citizenship when it comes to rights, while they have rights and duties as everyone else. This distinction was epitomised by the last minute removal of the step-child adoption from the bill, leaving hundreds of parents and children without rights and recognition. According to the project's informants, it is exactly the lack of parental rights that makes same sex family projects more vulnerable both in terms of daily micro-practices (i.e. the relationship with health and educational services as the non-legally recognized parent) and in terms of legal custody and kinship ties.

The interviewees did not report explicit episodes of homophobic discrimination against LG parents and their children, and Italian society seems to be becoming more inclusive of family diversity. However, the removal of step-child adoption from the bill testifies to how homophobic institutional narratives are still at the centre stage of the public debate. Against the Parliament's inability to legally recognise and regulate familial forms outside the heterosexual couple, the jurisprudence is often compensating via court rulings. As reported by our informants, this was and still is seen as the Trojans horse that lesbian couples in

particular will be able to use to access those rights that they have been routinely denied.

It is however important to stress how, although the path of a court ruling gives the couples we interviewed some hope, it also has an impact on their parenting projects. In this respect, the lesbian couple we interviewed had two extra burdens that distinguished it from heterosexual parents. On the one hand, there was the constant demanding task of having to 'leave a trail' of one's presence; on the other, there was the ongoing scrutiny and the perception of judgement of one's parenting project. In what appears to be a sort of paradox, the lesbian couples we interviewed had to constantly demonstrate how their family were happy as anyone else's, while at the same time making plan for one's death, break-up and protecting one's children from societal homophobia. Indeed, the arrival of a child was often defined as eye-opening on the level of acceptance from one's family, group of acquaintances, neighbours as well as health practitioners and school staff. But it was also the moment of truth of the lack of protections and legal recognition.

In conclusion, while the approval of the Cirinnà bill undoubtedly testifies to an enhancement of the Italian social and political situation concerning rights and citizenship of LGBT people, we are still far behind full equality.

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## Appendix

Pseudonym	Sex	Age	Couple Status	Parental Status	Geography
Carlo	Male	46	LAT	No children	North - City
Gaia	Female	41	Cohabitation	No children	North - City
Alessandra	Female	36	Cohabitation	No children	North - City
Silvia	Female	40	Cohabitation	No children	North - City
Lara	Female	36	Cohabitation	2 children,	North - City
Cristina	Female	51	Cohabitation	1 children, previous hetero relation	North - City
Ernesto	Male	60	Cohabitation	2 children	North - City
Marco	Male	40	Cohabitation	No children	North - City
Enrica	Female	44	Cohabitation	2 children,	North - City
Silvio	Male	62	Cohabitation	No children	North - City
Maurizio	Male	52	Cohabitation	2 children, previous hetero relation	North - City
Daniele	Female	45	Cohabitation	No children	South - City
Andrea	Female	43			
Giorgia	Female	38	Cohabitation	1 children	South - City
Tiziana	Female	36			
Flavia	Female	60	Cohabitation	2 children, previous hetero relation	South - City
Anna	Female	46	Cohabitation	No children	South - City
Irene	Female	22	LAT	No children	South - City
Francesco	Male	32	Cohabitation	No children	South - City
Domenico	Male	46	LAT	No children	South - City
Giorgio	Male	28	Cohabitation	No children	South - City
Benedetta	Female	38	LAT	Pregnant at the moment of interview	South - City
María	Female	34	Cohabitation	No children	North - City
Elisabetta	Female	34			
Amanda	Female	38	Cohabitation	1 children, ART	North - City
Isabella	Female	37			
Serena	Female	36	Cohabitation	Pregnant at the moment of interview	North - City
Donatella	Female	46	LAT	2 children, previous hetero relation	North - City
Chiara	Female	40	Cohabitation	2 children,	North - City
Valeria	Female	40			
Tomasso	Male	45	Cohabitation	2 children, previous hetero relation	South - City
Elia	Male	55			
Riccardo	Male	59	Cohabitation	No children	South - City
Luigi	Male	54			
Stefano	Male	49	Cohabitation	1 child	South - City
Fulvio	Male	56	Cohabitation	No children	North - City

# SPAIN

## A Decade of Legal Equality for LGBT Families in Spain

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Marriage of Celeste and Paloma. Source: [http://www.elconfidencial.com/espana/2015-06-27/10-anos-matrimonio-personas-mismo-sexo-espana\\_904939/](http://www.elconfidencial.com/espana/2015-06-27/10-anos-matrimonio-personas-mismo-sexo-espana_904939/)

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## **1. Country context**

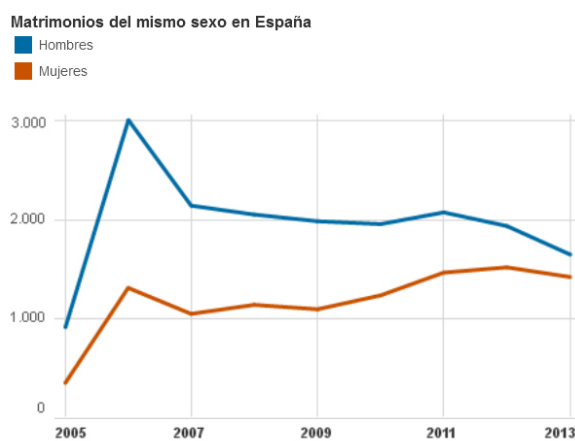
Spain is the second-largest country in the European Union by size (504,645km<sup>2</sup>) and the fifth-largest by population (46.5 million inhabitants). Concerning sexual diversity and according to the Pew Research Center (2014), Spain is the most accepting country out of a sample of 40 countries with regard to homosexuality, with only 6% of the population considering homosexuality as morally unacceptable (14% France, 19% Italy, Iceland not surveyed in this study).

Nonetheless, as the FRA LGBT Survey 2012 shows, homophobia is still present in the country. Of Spanish lesbian, gay, bisexual and trans people (LGBT), 38% reported having personally felt discriminated against or harassed on the grounds of their sexual orientation in the last year (47% European average, 41% France, 54% Italy, Iceland not surveyed in this study).

### ***1.1 Legislation and same-sex marriage***

Spain has an array of different laws related to legal recognition of same-sex sexuality, relationships and kinship. Homosexuality was only decriminalized in 1979 after the persecution suffered by LGBT people throughout the fascist dictatorship of Franco<sup>47</sup>.

Following the arrival of democracy, the 1980s saw changes to family law that had an impact on the possibility of non-heterosexual individuals and couples becoming parents. In 1987, the Adoption Law allowed any single person to adopt individually, and in 1988 the Assisted Reproduction Law granted any woman over 18 years of age the right to use assisted reproduction regardless of civil status as well as creating the possibility of using anonymous donor sperm to become a mother.



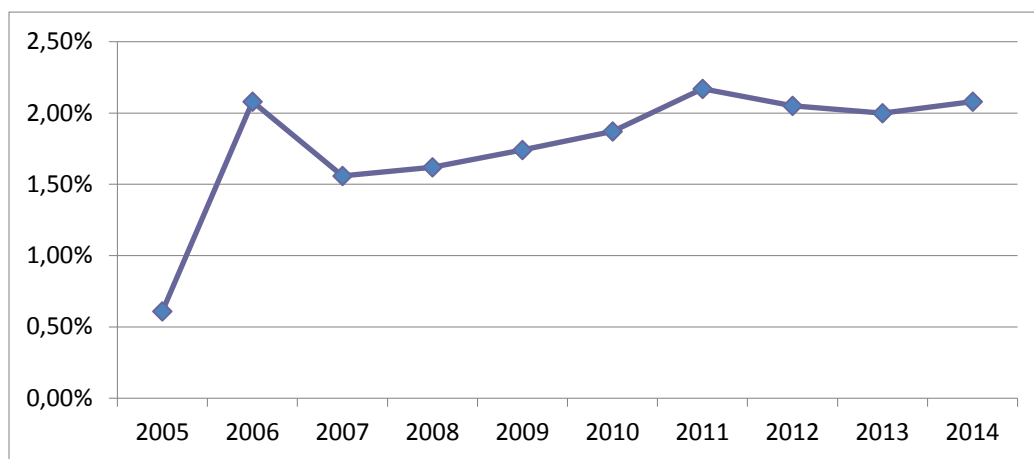
Source: Rigal and Escudero, 2015

<sup>47</sup> Homosexuality had first been decriminalized in Spain in 1822 (Waldijk, 2001).

Since 1998, 12 of the 17 Spanish autonomous regions have passed “registered partnership” laws that include same-sex partners. A further three regions allow domestic partners to legally register their partnership for purely evidentiary purposes.

In 2005, Spain became the third country in the world to legalize same-sex marriage with equal rights for heterosexual and homosexual couples. Since then, 17,701 same-sex couples have married, amounting to 1.91% of all marriages during the subsequent decade and remaining stable at around 2% throughout the period. According to the Spanish National Statistics Institute (INE), almost 2,000 of these same-sex marriages had divorced by 2013 (Rigal and Escudero, 2015).

*Divorces rate of same-sex marriage (2005-2014)*



Source: Spanish National Statistics Institute webpage: [www.ine.es](http://www.ine.es).

Interestingly, the number of same-sex female marriages has been steadily increasing toward 50% of all same-sex marriages over the course of this decade:



Male/female distribution of same-sex marriage (2005-2014)



Source: Spanish National Statistics Institute webpage: [www.ine.es](http://www.ine.es).

### 1.2 The Public Debate

In spite of the fact that in 2004 two-thirds of the Spanish population was in favour of the legal change to allow homosexual couples to marry (CIS, 2004), the hierarchy of the Catholic Church and some other conservative groups fiercely campaigned against the amendment during the parliamentary and social debate. The conservative People's Party (*Partido Popular*) presented an appeal before the Constitutional Court seeking the repeal of the law, after it had been approved with the agreement of all parliamentary parties except the People's Party and the Catalan Christian Democrats (*Unió*). In November 2012, however, the Constitutional Court upheld the law and the Spanish Prime Minister (in addition to many other members of his party) has subsequently shown support for same-sex marriage by attending marriages of prominent gay People's Party politicians.

There is not a significant split in public opinion concerning same-sex marriage. According to a survey conducted by Metroscopia in June 2015, 68% agree with labelling the union of two same-sex people as "marriage", 22% say same-sex marriage should be legal but with a different name, and only 4% consider that it should not be legal at all. 74% of the sample consider that same-sex couples should be allowed to jointly adopt children (Assiego, 2015). The acceptance rate of same-

sex marriage rises to 90% among young people (aged 18-34). Teenagers have spent all their lives knowing that two men or two women can get married. Jorge, a 16-year-old boy identifying as gay, stated in the media when asked about the controversy that accompanied the legalization of same-sex marriage in Spain in 2005: “What can I tell you? I don’t remember anything about it. I grew up knowing that you could marry anyone you wanted” (Rigal and Escudero, 2015).

Despite this situation, members of the upper echelons of the Spanish Catholic Church, including the Spanish Episcopal Conference, are still lobbying and campaigning against same-sex marriage. A small group of well-funded homophobic lay activists also maintain a highly active online and social media presence, incorporating their opposition to same-sex marriage within the framework of a more general international campaign against “gender” and the so-called “gender ideology” (Pichardo & Cornejo, 2015; Cornejo & Pichardo, 2017; Kuhar & Paternotte, 2017).

### **1.3 Challenges**

With a conservative government since the end of 2011, LGBT people and families have encountered some difficulties:

- Due to public spending cuts, single women and lesbian couples have been excluded from the free assisted reproductive technique (ART) services provided through social security. The government’s argument is that these women face no health or biological difficulties in becoming pregnant. “*They don’t charge for the insemination if you have fertility problems. But, as I didn’t have fertility problems... [the insemination] was not covered*” (Camila, 31, married, mother of two). This is one of the main current demands made by LGBT families: free access to ART in the public healthcare system in all autonomous regions.
- In 2014, the Spanish Government signed an adoption agreement with Russia barring same-sex couples and single people from adopting children born in Russia. This openly homophobic agreement encountered strong resistance from LGBT groups and put LGBT families that had already adopted Russian-born children in a complicated situation. One of the men interviewed for our research explained how it would be almost impossible now for his family to visit the native country of his

son (the same-sex parents in question have differing views on introducing their child to Russian culture and visiting the country):

*I do not want to give his country of origin negative connotations. We respect each other a lot.*

*'And why isn't Dad J. coming [to the Russian cultural event]?'*

*'Because Dad J. disagrees with what Putin says.'*

*'What about you, what do you think?'*

*'I disagree, but it's your country, not Putin's.'*

*I refuse for it to be Putin's country. Here the only thing is we had planned to go to Russia and we are not going in the end. We are afraid.*

(Josean, 49, married, gay adoptive father)

- Surrogacy is not legal in Spain, but some single men and same-sex male couples travel to other countries (mainly the USA) to become parents. The Spanish consulates are not allowing same-sex couples to register their children with two fathers. They are expected to write down the name of one parent and then return to Spain at which point, if they are married, they can complete a step-adoption. Some couples refuse to accept this discriminatory practice and are taking legal steps against the Spanish administration to obtain legal and equal recognition as parents from the very first registration. There is also a strong debate between LGBT families' associations (generally supporting the legalization of surrogacy) and LGBT associations (which do not generally have a clear position on the subject). With regard to transgender and transsexual individuals, the Gender Identity Law approved in 2007 permitted legally changing the sex assigned at birth with no compulsory genital surgery. However, this legal change can only take place two years after a doctor has diagnosed the individual with "gender dysphoria". LGBT and trans activist groups have expressed their discontent with this situation, arguing that it represents a pathologization of trans people. They are hence demanding the depathologization of gender identity and the promulgation of a specific law to address the needs of trans people in terms of health, education, social inclusion and respect.

The Spanish Ministry of the Interior has published data recording the motivation for hate crimes committed in 2013 and 2014. In both cases, sexual orientation and gender identity represented the main motivation for this kind of attack (more than race, ethnicity, religion or any other category). LGBT associations are demanding

national anti-hate crime legislation and active public policies promoting respect for and non-discrimination against LGBT people. Such laws and policies would ideally place a special focus on educational settings, which are considered as the main potential driver for a cultural shift that would allow Spain to progress from legal to social equality.

Various Spanish regions have approved general laws prohibiting discrimination on the grounds of sexual orientation or gender identity since 2014, including Catalonia, Galicia, Extremadura, Madrid, Murcia, the Balearic Islands and Andalucía. With respect to the protection of gender identity, some regions have established regional laws for the protection of trans and gender non-conforming people: Navarre, the Basque Country, the Canary Islands, Andalusia, Madrid and Valencia.

## **2. Methodology and sampling**

We carried out 23 in-depth interviews during our fieldwork in Spain. People were contacted at LGBT-related events and through personal networks of academics and activists. The average length of the interviews was 1 hour and 15 minutes.

The sample was identified on the basis of five variables:

1. Gender: Men (nine, one trans), women (14, two trans). It was easier to contact women with children than men with children.
2. Age: 18-30 (three), 31-50 (16), 51+ (four). The most represented age group is middle-aged people (31-50), the reason being that this is the time in the life cycle when planned parental projects often start.
3. Geographical area of residence: cities (19), villages (four). Interviews were conducted in both major cities (Madrid, Seville) and smaller towns and villages (Santander, León, Valladolid, Logroño, Alcalá de Henares, Santoña, Melilla).
4. Parental status: no children (nine), currently pregnant (one), ART-conceived children (five) adopted children (one), conceived through heterosexual intercourse (three), children from a previous partner (four). We identified six types of parental status, where childlessness (nine) and children conceived through ART (five) are the most represented. Children conceived through ART are mainly children of lesbian couples, except for one case in which a gay man made a home insemination to help a lesbian friend to become a mother.

5. Marital status: single (3), living apart together (3), living together unregistered (6), living together registered in a regional registry (1), married (9) and remarried (1). We used six types of marital status, where cohabitation without registration (6) and married (9) are the most represented situations. As a result of same-sex marriage now having been legal for several years, we obtained access to the experience of a lesbian woman who has had the experience of divorcing her first wife and remarrying her current wife.

The following tables show the characteristics of the people interviewed for the sample:

		AGE			Total
		18-30	30-50	50+	
SEX	Male	2	4	2	8
	Female	1	10	1	12
	Trans Female		1	1	2
	Trans Male		1		1
Total		3	16	4	23

		GEOGRAPHY		Total
		Towns	Cities	
SEX	Male	2	6	8
	Female	2	10	12
	Trans Female		2	2
	Trans Male		1	1
Total		4	19	23

		PARENTAL STATUS					Total	
		Without	Pregnant	ART children	Adopted children	Intercourse children		Partner's children
MARITAL STATUS	Single	1		1			1	3
	LAT	3						3
	Cohabiting without registration	2		1		2	1	6
	Cohabiting registered					1		1
	Married	3	1	2	1		2	9
	Divorced and married again			1				1
Total		9	1	5	1	3	4	23

### 3. Coming out

Although Spanish society is now more open than in the past, breaking the presumption of heterosexuality and making one's sexual orientation public remains a courageous act and requires a certain degree of agency. Some people freely choose to disclose their homosexuality, bisexuality or transsexuality/transgenderism while other people are discovered and "outed" in their non-heterosexuality or non-cisgenderism. This process may be accepted to a greater or lesser degree, but sometimes the outing can be traumatic with family breakdown and loss of friends, especially among older generations.

Abrupt or not, the process accompanies LGBT people throughout their lives because in every space where they are new, they have to overcome the heterosexual presumption: having to come out at work, with friends, in the neighbourhood, at the health centre, and so on. The reactions they receive are very important whatever the space, but the people we interviewed focused their stories primarily on their families of origin. Coming out as homosexual, bisexual or trans generally implies a desire to be recognized, accepted and respected by others, especially by the family of origin. Parents, siblings and grandparents were constantly present in the stories we heard. Interviewees not only sought recognition; they also wished to keep their place within the family, and to be accepted and respected (Pichardo, 2009).

Although there is much variation in Spanish families (from nuclear families to extended families with uncles, cousins and grandparents participating in the daily life of each of their members), the interviews conducted for this study have confirmed the influence of families of origin in the lives of many LGBT people in Spain. Family represents a highly present, important and intimate part of life for almost everyone, making it exceptionally difficult not to share key aspects of one's affective and sexual life with family members. The sense of keeping a secret or leading a double life is particularly strong when someone feels unable to reveal their

sexual orientation within the family. Family is involved in the private as well as the public aspects of one's life. The importance of coming out will be discussed within this and other contexts in the following sections.

### ***3.1 Families of origin***

Every coming-out story is unique, occurring at different stages of life and in different socio-cultural contexts. A commonality, however, is the need to openly live according to one's own feelings and sexual orientation. When disclosing sexual orientation, most interviewees in our study referred to the overwhelming importance of the role played by the family of origin. Indeed, for many informants, coming out means telling the family of origin. But family members are not always the first to know. There may be a special person within an individual's circle of friends who is entrusted with news of the still-secret identity. Alternatively, some family members may be aware of the identity while others are not. A brother or sister may be the preferred confidant(e), or certain family members may discover the individual's sexual orientation by chance.

But wherever disclosing the identity remains the individual's choice, they will take an intensely personal decision to come out at the time and moment that is most appropriate to them. Cesar, 30, lives in a town in the region of Madrid. He has a traditional idea of the family unit and imagines creating what he describes as a "typical family" with two dads, kids and pets in the future. Cesar currently lives with his parents and has lunch with his partner's family every Sunday. When he was on holiday as a teenager, he met and socialized with other LGBT people and began to see it as more feasible to gradually come out to family, friends and schoolmates. Cesar took the decision to come out first to his siblings and subsequently to his parents. He describes the process as nothing traumatic.

*With my parents it went well. In fact, my coming out was quite normal. Well, normal, normal... Against all odds, first I told my father and my father took it pretty well. In fact, there is a funny story; he is a soldier and votes for the People's Party and is a very conservative person... When I told him I was gay, all he did was call his sister and tell her: 'Cesar has a problem: he is gay'. And my aunt said: 'You idiot! You're the one who has a problem!' And that was it! He did not need anything else. He accepted it perfectly, and had no trouble at all. My mother found it a little bit harder. It took her a week to come to terms with it. In the first week she did not look at me much. It was*

*awkward. She just spoke to me to ask things like: ‘What do you want for dinner?’. Nothing else! But after a week, something happened – I don’t know what it was and I still have not asked her – that turned everything back to normal. And now, today, she asks me a lot about Raul, my boyfriend. She likes him and gets along quite well with him.*

Cesar’s coming out was fairly gradual and peaceful, despite his initial tension and fear. He began to come out during secondary school and, thanks to enjoying the support of his family, he was able to have a boyfriend at an early age. But not all experiences are the same. Josean was discovered with his boyfriend and outed by his family. This meant a break with Josean’s family, especially his mother:

*It was tough. I thought about suicide then. Because I thought, ‘If my mom, who loves me more than anyone else in the world, reacts like this, what should I expect from now on?’ It went wrong. Then they changed. We were distant, far apart, for two or three years. I was very affected. I think these situations leave scars. You heal, you clear things up a bit, but I think you are always a bit affected. I have moments of sadness that have to do with this, I think.*

(Josean, 49, married, gay adoptive father)

In Josean’s case, the family relationship was restored when the mother understood that her son was suffering. But his unhappy initial experience is representative of a trend that is pervasive across older generations (as well as for certain other social contexts and environments). Eduardo, 46, is from a small town and very traditional environment and follows this similar pattern: there is an initial moment of honesty motivated by the need to share the fact that the person has found or wants to find a partner. Family responses are frequently not positive at the outset but, after a transitional period, they end up accepting the sexual orientation of their loved one and his or her partners.

In the Spanish context, family relationships are highly important with relation to the financial, material and social circumstances of individual family members. This directly affects the reaction that families may have when one of their members comes out as LGBT (Pichardo, 2009, 2011; Pichardo, De Stéfano & Martín-Chiappe, 2015). While reactions vary, Spanish families do not tend to reject their members for being homosexual or trans – although we have found cases such as that of Sofía (51 years of age, trans bisexual woman) who broke off contact with



her mother when the latter did not accept Sofía's sexual identity and who has no other family of origin. Interestingly, Sofía's mother does not have a good relationship with her but her children have an excellent relationship with their grandmother.

Notwithstanding the above, even if they do not go to the extreme of exclusion and expulsion from family networks, situations of tension do arise on occasions and demonstrate the homophobia and transphobia that may occur within families of origin. Some interviewees stress that even if they have come out to fathers, mothers and siblings, frequently managing reactions on an individual basis, the importance of the perspective of the extended family, the neighbourhood or society as a whole – colloquially, “what will they say” – is what produces certain tensions with the members of the family of origin, who will have to come out of the closet as the father, mother, or sibling of an LGBT person. As expressed by María, a 39-year-old lesbian mother, the birth of a baby – which in a heterosexual context represents a joy worth sharing with all the members of the extended family – acquires other connotations in the case of an LGBT family:

*The thing is that it really upsets me that my cousins, aunts and uncles and the rest have no idea of any of this. They don't know – when I bump into them in the street they say “what a cute kid, who is he?” [and I answer] “he's my son”. They didn't know because they wouldn't find out from my mother, she'd rather not talk about it.*

María states that the fact she was not a carrying mother may be what lies behind her son not being recognized and hence not being appraised as part of the family of origin. The initial reaction of certain members of her family was that the child was her partner's son and not María's, and she asked herself if the same would have happened had the child been adopted, feeling that this was not a lack of legitimacy arising from the form of access to motherhood but rather from homophobia. However, thanks to participation in family rituals – Sunday lunches, birthday celebrations and other events, for example – María's family gradually recognized the child as her son and as part of the family.

On other occasions, tension with the family of origin comes from the refusal to recognize the partner. The case of Mariana, a 55-year-old lesbian woman, shows the range of reactions that families of origin may have depending on the social

context in which the relationships are conducted. Mariana's story is singular because she is currently married to a woman but was previously married to another woman, from whom she divorced. She emphasizes the different relationship that she has had with each of the families of the two women with whom she has been married. During her first marriage, Mariana was described as her partner's "great friend". In Mariana's words:

*Until the day before I separated from her, her mother thought that I was her daughter's best friend. We lived together, we had a house together, we did everything together and we had got married, but her mother hadn't realized. My former wife didn't invite her mother because the wedding was just a piece of paper.*

However, Mariana feels that the positive reaction from the family of Camila, her second wife, is subject to a series of contextual conditions: "*With Camila everything was done – the official acceptance of gay marriage, the fact that society has changed so much and that today you can do what you want when you're out and about*". That is, for Mariana the changes in Spanish society with regard to the acquisition of rights and visibility of the LGBT community have substantially altered relationships with families of origin: in the first case, her first wife's family called her a "friend" and now her current wife's family call her a "wife".

The process of revealing an LGBT identity is closely related with the size of the family of origin. There may be a need to involve all of the extended family, but on occasions only the closest family is involved in the process of coming out of the closet, keeping the secret from certain family members such as aunts and uncles, nephews and nieces and, particularly, grandparents. The nucleus of parents and siblings always tend to be progressively involved in the coming out process, generally beginning with the closest members such as siblings.

*My cousins from [my holiday village], my aunt's children, they also know that I'm gay. In fact, my female cousin is absolutely delighted because she says now she has someone to go clothes shopping with. Well, it's a stereotype that I'll get rid of for her. She is 13, let her think that for now. And my male cousin, who is 20, doesn't have a problem with it either.*

(César 30, gay, in a relationship)

*When I met the girl from [the capital of a province] I came out of the closet. Of course, it's very important. I came out of the closet there. I told everyone. So I didn't come out of it, I totally destroyed it. There was nobody left to go into it there, then. That energy, it makes you break everything. [...] Then family, then friends.*

(Estela, mother in a previous heterosexual partnership, homosexual, married)

With an average age of almost 29 years for leaving the family home in Spain (Eurostat, 2015)<sup>48</sup>, a situation which has been complicated by the economic crisis that has afflicted the country since 2009, coming out within the family is hugely important to avoid leading a double life or frustrating emotional needs. It is common for the first experiences of LGBT relationships to happen when people are still in the family home, sharing daily life with their family members. On many occasions, these are formal relationships where the partner ends up participating in the daily life of the family group. There is an announcement of having a partner, an introduction and a tendency to participate in family meals and celebrations. The partner's presence at family events such as birthdays and, particularly, Christmas, is of notable symbolic importance. These are crucial moments for deciding to come out of the closet or to announce it to a larger number of family members. Celebrations involve meeting with members such as cousins, aunts and uncles and grandparents who may not be very present during the rest of the year. These are key moments for LGBT visibility. While in other previous studies conducted in Spain Christmas could represent a time of conflict if there was no recognition (Pichardo, 2009:315), Christmas rituals appear to have become a suitable space for coming out of the closet in the case of the sample that concerns us.

*I thought a bit about coming out to my family because with these people you never know. So, when I told my mother it was on 24 December, when she was making Christmas dinner. I could see she was so busy that I said to myself: "whatever I say to her, she won't pay attention to it and she'll just say 'yes, yes, yes'". So, I took the chance and let it out. She was preparing the food and said to me: "fine, all I ask is that you don't tell your grandmother because she won't understand". That's it.*

(German, 36, father in a previous heterosexual relationship, homosexual, single)

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<sup>48</sup> 23.6 France, 29.9 Italy, Iceland not surveyed in this study (Eurostat, 2015).

For many people, the confluence of the affective-emotional need for a partner and family dependence has an impact on the decision to come out. Unlike other societies, family acceptance is materially important for a lengthy period of one's life. Partners progressively become part of families, contributing to or seeking networks and material and emotional support. In the Spanish context, families of origin continue to provide the main source of support. LGBT members (and subsequently their partners) aim to integrate within family networks. As family members, they benefit from family support at the same time as contributing their own support. This support becomes especially clear with the appearance of children, as we shall examine later. The family can also become a key source of emotional support in the face of potential situations involving external hostility such as homophobia.

*The fact that all your family is there. That they come and you can't show them a space where "hey, I'm comfortable". That grates too. And I think that now I don't know if I'll depend on them much, emotionally. But anyway, they're a great support. And the boys are a great support too. In fact, the first Christmases I wept at having a family Christmas, because I hadn't had one for five years.*

(Alberta, 37, lesbian trans woman, married, children from her partner)

*They began to accept it, more or less. They didn't really understand Alberta's evolution as a transsexual. That's normal because you don't see it in [place]. And they had never seen a transsexual person in their lives. But over time she got to know the family better. There were parts of the family who didn't understand her but they accepted it as long as I was happy. But then there were people who: "I understand and lots of other things [...] You can come and have lunch at my house ..."*

(María Rocío, 45, married with Alberta, mother of 2 children from previous heterosexual relationship)

The lengthy period of cohabitation and the closeness of family members favours an unexpected boost in terms of the integration of the LGBT community into society. When an LGBT person comes out to their family and is accepted, it means that their parents, siblings and other relatives acquire a proximity to the LGBT world that means they are suddenly more sensitive to this issue. They acquire known points of reference against which they can contrast and question prejudices and stereotypes.

*My brother Richard, the eldest, the one who says that two men can't adopt because society will stigmatize the child, he said that he didn't care as long as I wasn't a queen [una locaza]. His exact words. I've been educating him little by little, and telling him that there's nothing wrong with queens. That they are brilliant and wonderful people.*

(César, 30, gay, in a relationship)

For LGBT people, coming out to their family can be more or less traumatic with a higher or lower level of acceptance from their family members. But it appears that the notion of family heavily outweighs the potential LGBT stigma that might interfere with acceptance. In the cases studied, rejection of LGBT status by family members is overcome by the greater weight of the idea of family as opposed to prejudices and homophobia. This process of overcoming may take time, but it appears that the majority of Spanish families end up accepting their LGBT children and close relatives despite the homophobia they have learned through their socialization<sup>49</sup>.

*And that's why I believe that my father sees it like this: 'well, even if my daughter is playing for the other team, then she's still my daughter, let's keep communicating and make [her partner] part of the family'. Then he makes more effort to overcome the minor homophobias that he might have.*

(Laura, 31, homosexual, adoptive mother of a child carried by her partner)

However, the acceptance of homosexual, bisexual and trans children does not appear to take place without a degree of stress.

*I let it out, my father cried like a baby, but I am his son and that's all there is to it. Today, my father respects my husband, there is a very affectionate family relationship.*

(Eduardo, 46, gay, wishes to become a father)

It is noteworthy that acceptance is more complex for trans persons. It is even more difficult to accept if the transsexuality is accompanied by homosexuality, generating confusion by directly challenging heteronormativity and traditional gender roles. But despite trans persons having increased difficulties in terms of acceptance than exclusively homosexual persons, in general it is again the case that

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<sup>49</sup> Note that the majority of parents and relatives of interviewees were raised with the homophobic ideas of National Catholicism, which represented the only available mind-set during the near four-decade duration of Franco's dictatorship.

parenthood and family outweigh prejudice – on occasions, perhaps after many years have passed.

Age and historical period again have a very strong influence on the experience of transsexual transition. For Alberta, a 37-year-old lesbian trans woman of Latin American origin, it has not been easy to live with her sexuality and gender identity – from her own youthful ignorance when experiencing life in a way that did not fit with her assigned gender, to the incomprehension of her family. Faced with a highly homophobic and transphobic family and society, the solution was to emigrate to a more tolerant culture such as contemporary Spain. Alberta's arrival in Spain does not mean that transphobia has disappeared from her life, but it has eased to the point that she can live as her gender in a peaceful manner. She decided to undergo her transition to live as a woman when she was studying in her new country of residence. Alberta was financially dependent on her family to complete her higher education and having felt her femininity and lesbianism from a very young age, the incomprehension of her family has had a strong impact on her life story.

Sofía, a trans woman aged 51, has lived a bisexual life with various partners and commenced her transition more belatedly, with a supportive partner and job stability. Her main concern is for her children and the potential discrimination that they might suffer. In contrast with Sofía's image of normal life, Pablo, a 49-year-old trans man, has had an apparently more chequered life experience. Part of a large family that had to bear the burden of the costly illness of a child, he suffered incomprehension from his family and loneliness. Despite this, he took responsibility for the financial support of his family until he completely broke from them at 26 years of age, though he then took some years to accept his transsexual status. He ultimately recovered his relationship with his parents, expressly including his transsexuality.

*I decided that I'm going to go ahead with it come what may. Hormone treatment is not an easy decision in the sense that hormones are not child's play. They have consequences [...]. There is a clear physical change and soon you'll be turning up at home with a beard. The first family member I told was my sister. [...] And I told them on New Year's Day, because I didn't expect that they would accept it and I didn't want them to associate Christmas with something so upsetting for them [...]. I'd packed my bags that morning [...]. I told them after lunch. They were shocked. I explained*

*it as gender dysphoria. I tried to explain it from the medical perspective to make it less harsh [...]. First is the surprise and then I think the two of them realized. [...] In the end my father couldn't even say it. "I thought that you were..." He wanted to say lesbian. My mother did say it [...]. Today, my mother has undergone a very interesting change. It's not that she accepts it but she tolerates it, because otherwise they know they wouldn't see me anymore. My father still can't even name it. He hardly ever calls me by my name. My mother does. My mother went for it straight away. This last Christmas, I went there with my whiskers [reference to beard] and a little balder, and suddenly my mother likes what she sees. My physical change has helped her to go a little further [...]. All of a sudden, we go out and she takes my arm with pride, for the first time in my life.*

(Pablo, 49, trans man)

We see that even in a large proportion of cases involving rejection, in general there is not a permanent rupture and, at least among participants in this study, there is a process of attempting to reconstruct broken ties if there has been an explicit break.

### ***3.2 Community: friends and neighbours***

The weight of the community has a varying significance depending on the geographical area of residence. The community can be of great importance in people's sociability and privacy in rural areas featuring very small towns in which everybody knows each other, for example. In small towns, neighbours may have experienced much of the life experience of a person from childhood to maturity.

When addressing one's homosexuality, bisexuality and transsexuality, community plays an important role. Comments about the person and their family received from neighbours, local residents, on the streets or in the village play a great role in the social control of bodies and sexualities. Although the majority of respondents say they do not care about what others think of them, they do keep in mind how others perceive them – whether in deciding to resist, to try to pass unnoticed, or to socialize. Although neighbours do not appear as an obstacle, to an extent people fear gossip, what people might say, and they describe this as a concern when thinking about their parents and grandparents.

*My parents have officially forbidden me to tell anyone from their network about my sexual orientation. They only forgot to publish an article in the State legal bulletin stating 'it is forbidden to tell any of our friends, family, or anyone in the village'.*

(Julia, 38, lesbian, cohabiting with her partner)

Respondents did not report particular difficulties with integrating into their community due to being LGBT. They celebrate the times that neighbours support them naturally in their life choices and their families. It seems that when a person is appreciated in their community before coming out and has strong relationships in their immediate environment, they will receive support from their neighbours and other networks in their life.

*When I came here to [name of the village], it meant working with colleagues who have studied with me, who are friends of my parents, it's another environment. And I wanted to be cautious, to find my place, my position. It wasn't necessary. First, because in [name of the village] everyone knows each other: this is what you get. And maybe there are people who have criticized my sexuality, but when I began to work I received a very good welcome; the relationship with my colleagues was very good. Many of them knew that I was gay, others did not know. But, well, after 10 days when I got married, everybody knew. And I say this with satisfaction and pride in how they behaved.*

(Eduardo, 46, gay, married, wishes to become a father)

This support is particularly important when children arrive. People seek and work to achieve a safe space, free from homophobia, for the socialization of their children. They want the children to have friends and for their friends' families to be respectful and open.

*We found no difference with the people around us. They already knew me. They knew I took good care of my children, that I looked after them. And they knew I looked after them if there was any problem, especially with the older one, who has a health condition. And well, there was no difference.*

(Maria Rocio, 41, lesbian, mother)



As was the case with family networks, not everyone reacted well to the news that their friend was not heterosexual:

*You get lots of surprises with friends. There was a girl who was my best friend. I said to her: "I have to tell you something". And [her response] was one of the shocks that I had.*

(Estela, mother in a previous heterosexual partnership, homosexual, married)

But again, and as happened with family members, having an LGBT person in one's network is a way to "educate" others in one's environment about sexual diversity and gender identity. Sofía realized that the park where she took their children to play served as a school of respect for other parents:

*You take your kids to the park like everyone does. And there you find all the mothers hysterical with the kids. And that's how it has to be. Because we all have the same problems: shopping, getting the kid to school on time, and so many things... So, at the beginning they look at you in a strange way. But the kids begin to play with each other and then they see that you act exactly the same way as the rest of mothers, they talk to you, they leave you their kids while they go out to get bread, and they also help you out. [...] I have not felt isolated.*

Sofía explains proudly that one grandmother wanted to "hire" her as a babysitter to also take care of her grandchildren: "*Thank you, lady, but I am not baby-sitting, they are my children!*". The grandmother couldn't imagine that a trans woman would have children, but she had thought that Sofía was a trustworthy person to look after her grandchildren.

### **3.3 Study and work**

As previously commented, coming out is a continuous process for LGBT people as it has to take place in various spaces. The workplace environment is sometimes identified as belonging to a public life in which it is unnecessary to know a person's sexual orientation.

Following Borrillo (2001) when he refers to liberal homophobia, it would appear that the public arena is or should be heterosexual at all times, and when a person discusses their sexuality and even their same-sex partner or their same-sex parent family, or is openly trans, there is a risk of rejection or accusation that they are bringing an intimate aspect of their private life into the public arena.

But sexual and affective same-sex relationships and non-heterosexual families also make themselves present in the workplace. This can range from conversations about activities in free time that take place in formal and particularly informal workplace spaces (cafeteria, lunchroom, meetings on transport, in the lift or reception area) to times not forming part of workers' formal obligations when each person's "significant others" are in attendance: company dinners or company-organized family activities (parties or outings). If someone has a same-sex partner or is part of a same-sex parent family and cannot talk about them, they will be simply unable to properly express themselves in an environment – the workplace – in which we spend the majority of our daily lives.

A report produced by the Spanish government through the Institute for Women and Equal Opportunities (IMIO, 2017) states that on occasions LGBT people themselves do not perceive discrimination in the workplace because they do not suffer situations of express harassment involving insults, bullying or refusal to hire/dismissal. However, the report goes on to discuss a risk of invisibilization or even naturalization of discrimination in terms of situations that are categorized as tolerable, such as jokes, direct comments in front of the person or rumours behind their backs. Concealment strategies would be used in this regard, consisting of controlling as much as possible the information that one shares in the workplace and the people with whom it is shared, in order to avoid exposure and risks. The main risk would be encountering a colleague or, worse, a boss who holds homophobic attitudes.

This concealment can lead one to be perceived as unsociable or standoffish, resulting in missing out on promotion and business opportunities that arise in informal spaces in the workplace (cafes, work lunches, teambuilding trips and so on). It can also directly lead to the loss of workplace rights. In this regard, our fieldwork revealed cases of people who have not requested the 15 days' leave available upon marriage so as not to make the fact that they have married a person of the same sex visible in the workplace.

In fact, requesting statutory leave for marriage or paternity/maternity (four months to be divided between the members of a couple) can represent one of the main triggers for making one's sexual status public in the workplace.

*When I came into work it was a very good welcome, my relationship with colleagues was very good. Lots of them knew that I was gay and others didn't – but well, after 10 days when I was going to get married, everyone realized. And I can talk about how they behaved with satisfaction and pride. I work in a group of eight people and when I said I was getting married, to organize my holidays, [I said] "hey, by the way I'm marrying a man", waiting for their reactions, and they reacted very well. Some of them already knew, others were saying, like, "Ah – well you've shocked me". They reacted really well and organized a celebratory meal at work, the eight of them. I didn't expect it and they gave me a wedding present. And I was really surprised, when I was moving around the different parts of my workplace and so on, lots of colleagues – I don't know whether it was 8, 9, 10 or 11 – stopped me and said "hey, I've heard you're getting married – congratulations, you've got guts". There was one in particular, a lady, who told me in those words, "you've got guts". So I took a tremendous feeling of security from it.*

(Eduardo, 46, gay, married, wishes to become a father)

But for others, coming out happens spontaneously in daily interactions with colleagues. For the majority of interviewees, the workplace has not been an especially homophobic space and they do not report experiences involving discrimination or situations of homophobia.

*It's on the motorway. And we worked there as waitresses and were there from nine to nine. I was always on nights and sometimes Diana was on mornings. So we ended up going to sleep exhausted. And the same routine again. And our relationship with our boss, the other waitresses and the girls. They respected us too. They knew she was my partner. And they respected and included us, we felt comfortable. And they've always treated us like this: "and hey your girl, your girlfriend ...". Here too, at her job. The other waitresses and so on are very clear about everything. Nothing has ever happened to us hear that I would call ... excluding or... they haven't singled us out.*

(Victoria, 30, lesbian, carrying married mother)

However, and as Agustín states (2013), though cases are not widespread there are still situations of workplace discrimination that have also occasionally appeared among our respondents. Respondents report varying degrees of subtlety. Matilde is very open about her wife in their neighbourhood or with their families. But as she is currently teaching in a school for three months, she prefers not to come out as lesbian:

I have always referred to “my wife” or directly by name, without saying ... partner too, but ... Now, for example, I’m doing my placement in a school, I don’t say anything there. They ask me “so is your husband from here?”, well “yes, my husband is not from here”. It’s not a matter of ... You’re there for three months, so why are you going to give them more to talk about? “No, no, not from here”.

(Matilde, 36, lesbian, pregnant with twins)

Concealment – not being able to clearly state that one is LGBT in the workplace – provides an indicator that employers are not sending a clear message that their company or institution respects sexual orientation and gender identity for all persons. In a context such as the Spanish one, in which important progress has been made in terms of equal rights for LGBT people, the workplace represents one of the remaining challenges (Alonso, 2012). Along similar lines, though we have lots of information regarding harassment in schools due to homophobia and transphobia in pre-university environments, there is very little available data on the reality for LGBT people in universities and in the workplace.

Alberta, who was studying rather than working at the time of the interview, experienced a situation of outright rejection while undergoing her transition at the same time as she was completing her university studies. Although her university peers did not understand her changes, she did receive words of support from the teaching staff and found a friendly community in the form of an LGBT association.

*One day I went to university as a girl and the next I went as a boy. Because of the beard. And that’s how I was for a while. Actually, I had lots of problems. People distanced themselves from me. All my peers distanced themselves. It isolates you. They leave you completely marginalized. People said: “I’m giving you space out of respect”. Others said: “I’m open-minded but this is too much for me”. Things like that. There were people who finally managed to accept me. There were teachers who gave me lots of support and told me: “I would have liked to have someone like you as a peer. Because you have the duality and the advantage of having lived in one world and now you’re living in this one”.*

And the fact is that trans women suffer not only transphobia but also sexism, being placed in a position of experiencing the chauvinist aggression to which women in general are exposed.

*There are people who accept it and people who flatly reject it. There are people who you have a coffee with and after you take the plunge, they panic at being seen together with you. So some things are hard. There are unexpected rejections, so they are harder than the people you knew how negative their reaction would be. [...] In the professional world, one thing you see a lot is that when you were a man, you would say things and people would listen to you, right? And suddenly you're a woman, you go and say things and people haven't listened. And you say them again and people ignore you. And when you insist for the third time, it happens a lot that a man will turn up and say the same thing that you've said and they say "ah! I love so-and-so's idea". In other words, the more your breasts grow, the more stupid you get. And what's more, my world was a very male-dominated professional world. So it happened a lot to me that you would go to a work meeting where the division of roles is very clear. It's the white, middle-class, tie-wearing men who have the power, isn't it? Next to them are a couple of women who are the technical support professionals, well-dressed and in a clearly subordinate position, and then you come in. Then it all kicks off. Lots of laughter and so on. And I always have a tactic there; I let them speak, I give them rope, and when I see my chance to fight back, then I come in, right? Normally after one or two meetings they don't laugh any more. And I keep making a living because I earn their respect. We'd never go out to the cinema together, but they still have a certain professional respect for me. But the level of demand I had has clearly fallen a lot, and my earning capacity has fallen.*

(Sofía, 51, trans, mother)

The case of the 31-year-old Camila, homosexual and married with children, is particularly interesting. When she decided to make her homosexuality public before her wedding, she was bullied and dismissed. This situation is an example of toxicity for LGBT persons in the workplace environment. However, the reaction of her peers and some superiors in protesting was so resounding that she obtained a new job in the company and the party responsible for the homophobic harassment was dismissed. The feeling she transmits in her narrative is the general incredulity at the attack, on one hand, and the sense of support from her peers, on the other.

### **3.3 Generational coming out**

As previously mentioned, the arrival of children in LGBT families means an inevitably high level of visibility and an important task of empowerment in order to create a stable and safe environment for the children. However, the arrival of children means that parents face a continuous process of coming out and seeking social integration in the interest of their children's wellbeing. This occurs mainly in spaces for the education and socialization of minors.

For parents, the schooling of their children means the challenge of making themselves visible as an LGBT family to the institution, classmates, PTAs, school boards, and so on. There is a fear that their children may suffer homophobia or discrimination for coming from a family with two mothers or two fathers or a trans man or woman.

*And of course it's something that makes you panic. Why? Not so much for you, but because you always have a kind of feeling of guilt at, for you being who you are, the possibility that something will be done to your child, something will be said to them or will happen to them. Then again, fears are just that, and many fears have no basis. Things have been going reasonably well; that is, my children haven't been attacked or excluded or anything like that.*

(Sofía, 51, trans, mother)

Sofía's experience is shared by a large proportion of LGBT families in Spain, where various studies have shown that situations in which children from rainbow families have suffered discrimination at school are not generally prevalent or especially serious (Agustín, 2013; López Gaviño, 2014). On the other hand, LGBT persons who are or are going to be parents look for schools where they know there has previously been family diversity – non only LGBT – and, in general, these tend to be State schools (Smietana, 2010).

Additionally, as their children grow respondents feel a loss of control over their children's environment. The young person's world, friendships and spaces cease to be susceptible to supervision. The new peer groups, friends and classmates of rainbow families' children are suddenly exposed to LGBT rather than heteronormative families. These new people who are tangentially incorporated into the family via social contact can bring along homophobic behaviour and social prejudice against diverse families. LGBT parents describe this fear; however, they do not report any situations involving conflict.

*It is true that I think the show starts now. Our son is 9 years old, will be 10 soon. We are starting to play in the champion's league. It is not that highly controllable environment of childhood. But we will have less and less presence in the school environment, neighbourhood and so on. I think at this stage we won't control all indicators. We are entering the risky period. He is not big enough to have power and weapons and the smaller settings did not have enough sensitivity to discuss these issues. We'll see.*

(Josean, 49, married, gay adoptive father)

In any case, and as happened with their parents and other LGBT people, many children of LGBT families themselves become drivers of change as they expressly and publicly value diversity:

*The other day the teacher told us that she told other children, "you know? being different is a good thing, and the more different people the better. I love to have different friends, I have two mums, you have mum and dad, Pedro and Juan have only María, we are different!" Ever since she could speak, she has explained her family situation to other people. We have neighbours who did not know or understand very well, and one day our daughter came and told them. And she explained it so well that they were... And that's the strategy: that it's our daughter who tells our story. So whenever someone asks us, she's the one who explains how her family is. I think that the other person has a different experience if she's the one explaining it.*

(Camila, 31, married, mother of two)

Although children are generally open about their family, some conflicts may arise. Josean explains that his adopted son always tells other children and people he meets that he has two fathers. Once, a 6-year-old child he met playing at the beach said "Two fathers? That's disgusting!" He asked why, but the other boy did not know what to answer. Josean and his husband were not ready to confront homophobia with a young child, but took advantage of the situation to explain to their son how there are some people who do not like those who are different from them.

#### **4. Couple and family**

With the arrival of democracy to Spain in the 1970s, the self-named gay liberation movement focused its efforts on achieving the decriminalization of homosexuality, an objective that was achieved in 1979. At the beginnings of this movement, family – and, of course, marriage – appeared as clearly heterosexist and heteropatriarchal institutions which, if anything, in fact made a decisive contribution to maintaining

the oppression of homosexual and trans persons. But in the 1990s<sup>50</sup>, the LGBT movement began to demand that their couples and families receive social and legal recognition on an equal footing with heterosexual couples and families: “we are also families”.

#### ***4.1 The couple and being identified as a couple***

Mariana is a 55-year-old woman with grey hair and a large physical frame. Camila, her wife and the currently-pregnant mother of her first child, is 31 years old; that is, 24 years younger. Both state that it is not unusual for the neighbours and even school teaching staff and authorities to believe that Mariana is Camila’s mother and the grandmother of what is, in reality, her child. The couple’s intergenerational nature appears to hinder their visibility as such, and, moreover, having conceived their first child using assisted reproductive techniques with Camila as the carrying mother increases the likelihood that people who do not know them directly would consider it improbable for Mariana to be the mother of a three-year-old girl. In this regard, the forms of access to parenthood used by LGBT families appear closely linked to the visibility or otherwise of the couples making up the family.

Women in lesbian relationships who become pregnant attain visibility and are identified as lesbian. As previously stated, a partner may be considered a “friend” by the family of origin or neighbours, but pregnancy changes everything as it triggers the visibility of the carrying mother. Interestingly, it also affects the visibility of the non-carrying mother. The case of María, a 39-year-old lesbian woman, is illustrative of this point:

*We did the insemination and got married the month after, nobody knew that she was pregnant. It was later, the following year, that we had to tell people one by one that we were going to have a child, with the added difficulty for me that since I wasn’t showing, people couldn’t believe it. At work, when I told my boss that I was going to take leave because I was going to have a child, of course, it’s not me, it’s my partner who is pregnant, then everything became clear.*

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<sup>50</sup> The first homosexual couple seeking to marry appeared in 1987, followed by the first person to claim rights of inheritance with relation to their homosexual partner in 1989 (Petit, 2004:112).



#### **4.2 Reasons to marry/register**

Among LGBT people, marriage appears to be linked to the relationship with families of origin since interviewees report that it has helped families of origin to normalize the LGBT status of their children. María describes how she and her partner resorted to artificial insemination and married the following month. María directly links the decision to marry her partner with the fact of becoming mothers. She refers to them “having to” marry as a kind of “obligation”, something that was also reported by other interviewees who have formed rainbow families. For example, Josean, a 49-year-old man and father of an adopted child, states that he married his partner so that their child could be recognized as his partner’s child, too. Matilde, 36, describes a similar motivation:

*We married almost two years ago because we wanted to form a family and we knew that for the mother who wasn't going to bear the children it was better to be married, for the sake of legality, not having to adopt and everything. So we did things according to God's will (laughter), in order: we married and then we began all the treatment.*

The matter of “legality” – that is, the possibility of registering both women as mothers of the child – is a recurring motive mentioned by respondents when discussing why they married. The matter of legality appears alongside the fear of it not being possible for both women to be recognized as mothers of the child. And the fact is that as the family arrangement is different from the heterosexual one, even lesbian women who are going to be mothers are unaware of the requirements and procedures for both to be recognized as such. As María, 39, says:

*She was already pregnant and we didn't really know if we needed to get married before the child was conceived...there was a bit of ignorance about it. Then, I remember I even called the Triángulo association to find out a bit about the legislation, what could happen, what couldn't. Because I was panicking, terrified that the child would be born and I wouldn't be able to give it my surnames and I would have some kind of problem, would have to adopt it [...] The information came out and we found out that if you wanted to register the child in both names, you had to have the Family Book (Libro de Familia), so you had to marry. But well, I wanted to know – another of my concerns was to find out what you had to take with you, whether you had to bring a certificate from the clinic, if you had to do anything in advance... anything to prove that the child, that you were married and also that the child was conceived within*

*the marriage, because of course there could have been some problem. With the things you heard, the truth is it was frightening. Lots of people had had lots of problems.*

María is more explicit when defining this kind of marriage out of “obligation”, but at the same time states how this feeling coexists with others, such as the aforementioned matter of legality and also equality of rights. In fact, while a heterosexual couple does not have to marry to ensure joint recognition of a child as in the case of a homosexual marriage or a joint adoption, in the case of same-sex partners marriage is necessary for them to be able to jointly register their child. This is discriminatory in comparison with different-sex couples.

*The fact that we've married is like a double-edged sword, isn't it? On one hand I feel like I had to get married so that a child the two of us had conceived by going to a reproduction clinic could be given both of our names, when obviously when you go to register a child you have no idea if it's someone else's child. In this case it's really clear. That's a bit...they're forcing you! Either you do it that way or not at all. But then it is true that the fact of saying “she's my wife, I'm married”, I mean, I have exactly the same rights at you, inheritance, allowances, so on. It's not a civil partnership (pareja de hecho), we've had enough of always being second-class. It's exactly the same. I think that, and the fact that the law has been appealed and we've won<sup>51</sup>, I think that's given us respect in the eyes of others. “Hey, careful – I'm equal to you by law”.*

(María, 39, lesbian, mother)

Legality loses its force as a reason for getting married if the couple is made up of a woman and a trans woman who has not changed her registered name. These cases, such as that of Sofía (a 51-year-old trans woman), show that on occasions heteronormativity can curiously empower both mothers to register as mothers of their child, even without being married: “*except for the widowhood pension, which we don't care about*”.

Sofía refers to the matter of the widowhood pension, another of the “practical reasons” identified by LGBT couples as significant in getting married. The issue of health, giving the opportunity to the partner to take related decisions in this respect

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<sup>51</sup> As stated in the first section of this report, the same-sex marriage legislation approved by the Spanish Parliament was appealed by the People's Party (*Partido Popular*) on the grounds that it was unconstitutional. Though the Constitutional Court ultimately dismissed this appeal on 6 November 2012, some interviewees mentioned this fact as an urgent reason for getting married, given the risk that the right to marriage could ultimately be repealed.

and the possibility of receiving one's inheritance in the event of death all stand out as examples of the social and legal recognition to which LGBT couples have access through marriage. In this respect, Eduardo states that marriage gives him "*a feeling of security, that whatever happens to me the person who I want is the one who has the legal final say when decisions are taken, that gives me peace. If I'm in hospital, at this time I want Pedro to take the decisions. So it gives me a sense of peace*" (Eduardo, 46).

Matilde also relates the previous point regarding the matter of legality to the registration of children and the visibility of lesbian couples:

*Two women are housemates until they stop being housemates. Well if I got ill or anything, [we would get married] to have the days you get [of leave], to be able to use the advantages of being a couple, right? It wasn't "we're getting married for...", just that we're getting married and so we benefit from it when we become mothers.*

*(Matilde, 36)*

The "benefit...when we become mothers" to which Matilde refers concerns more than the fact that marriage permits the registration of children in the names of both mothers; there is a further added value. As we know and is emphasized by a large number of the women interviewed in the course of our fieldwork, it is financially costly to access maternity via assisted reproduction techniques. This financial expense is also applicable to large wedding ceremonies and celebrations. Matilde and her wife preferred not to invest a large amount of money in the celebration, because they knew they would need it for the insemination. So they took advantage of the traditional gifts that are given upon marriage to cover the "cost of becoming mothers through ART": "*It was a party, absolutely, without..., it wasn't a massive wedding, it was just, they gave us something as a gift and we saved so that then we could become mothers*".

Though it may seem that LGBT couples had absolutely no legal means to govern certain aspects of their relationships prior to the approval of same-sex marriage in Spain, there were strategies to obtain legal protection against the lack of recognition of rights for LGBT people and couples. Carlos, a 43-year-old gay man who works as a court official, describes his strategy to obtain what he calls a form of

“organization” of the situation with his partner before the approval of same-sex marriage:

*Talking to a friend of ours who is a lawyer and to another who is a notary, they told us “look, what you have to do is create a limited company (sociedad limitada)<sup>52</sup>, so that if anything should happen to either of you...”, although there’s a very good relationship with both of our families and there wouldn’t be any problem, but since you never know what might end up happening, well, so he could benefit if something happened to me and vice versa, you have to have your situation organized. So we even ended up drafting the bylaws for a limited company, which an attorney friend of ours drew up, and we spoke to the notary, and we were about to do it but then the judge I work with told us to wait because the same-sex marriage law was about to be published and it would be nonsense to get into the mess of having a limited company.*

(Carlos, 43, gay, married)

Martina, a 41-year-old lesbian mother, has also resorted to alternative legal means to those offered by the now-approved marriage. She explains that she has made a will until they decide to formalize their marriage, taking this decision because they already faced enough bureaucratic challenges with the steps required for the ART via which she became a mother, and that for a while she prefers not to have to face the bureaucracy that getting married would involve, which would be more burdensome than normal given that her wife is not Spanish.

*Now it’s a little more than two years since we met each other, we have lived together for a year and we have a 5-month-old daughter. Well, it takes some time, maybe we would have married right on the day that our daughter was born, at that time we were ready, but of course getting married means you have to organize some paperwork at least, and with her being German, we need to go there, get the paperwork, ask for appointments... Since she’s from Germany we had to do a lot of administration and lots of paperwork that wasn’t so easy, to be honest. You say “European Union” – no, forget it! It’s very difficult to get a NIE*

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<sup>52</sup> According to Spain’s Ministry for Industry, Energy and Tourism, a limited company (*sociedad limitada*) is a “company in which the share capital, which shall be divided into individual and cumulative company shares, shall be made up of the contributions of all the shareholders, who shall not be personally liable for the company’s debts”. One of the rights of shareholders is to “participate in the distribution of profits and in the assets resulting from the liquidation of the company”, and another is to “participate in the company’s decisions and be appointed as directors”. As such, if a couple creates a limited company, they ensure that in the event of one of the parties dying, the capital registered in the name of the company will be left in the hands of their partner.

*[foreign identification number], for example. So we've already done lots of paperwork, the thing with the clinic too, artificial insemination is very stressful and well, it was like we wanted to go a little more slowly with the paperwork for our relationship, because it seemed more sensible to us.*

Having previously described how pregnancy triggers visibility in the case of lesbian women, the same can happen as a result of marriage. When same-sex marriage legislation was passed in Spain, there was widespread media coverage of the first weddings. Carlos describes how he and his partner preferred not to be the first gay couple to get married in the small city where they live.

*No, we didn't want to be the first couple, not here or in Spain. Because we could have been, but I didn't want to. [...] The judge who was with me was the judge for the civil registry, and she could have had everything ready and prepared for us to do it as soon as the law was approved, but we didn't want that whole circus. We didn't want it. Let others do it, I wanted to get married to legalize our situation.*

(Carlos, 43, gay, married)

Finally, the reasons that LGBT people with religious beliefs cite for getting married appear closely linked to their beliefs. As we know, Catholicism is the majority religion in Spain and it does not permit same-sex marriage. However, the case of Camila demonstrates that this does not prevent its followers from wishing to form families revolving around marriage – though it may only be at a civil level – as required under Catholic doctrine.

*For me, not being married by the Church doesn't mean I don't have a Christian marriage. My faith goes far beyond that. I believe there's a part of the Church and not of the religion, a Church hierarchy that isn't changing as quickly as one thinks, but that doesn't mean I have less of a relationship with God, to put it that way. Even if that part of the Church isn't good, I'm going to tell them I disagree, that they have to change and I'll make it clear to them that they have to change. But that doesn't mean I'm abandoning my faith. We got married five years ago [...] and well, I'm a Catholic, apostolic and Roman, and marriage was an important part of my religious beliefs. As well as formalizing it, it was part of both of our family and personal life plans to have children, and I wanted to have children as part of a marriage. I never thought of not getting married, either [...]. For me it was important to make it legal, because it's a step further, at the level of my religion it was an important step,*

*and everything that living that way entails. I wanted children within a marriage.*

(Camila, 31, married, mother of two)

María Rocío is a 45-year-old lesbian woman from Madrid with two children from a previous heterosexual marriage from which she divorced and who is now married to a trans woman. Her case is similar to Camila's in the sense that it shows how LGBT people refer to marriage based on religious beliefs in spite of not being able to marry in accordance with the rituals of their religion:

*My family is Catholic and I have been educated in Catholicism. When I married my husband, I wanted to do so as a Catholic and we married because of Catholicism. That is, the Church. [...] I was sure that I wanted to have children and follow the religious faith of Catholicism. When I separated, of course, you can't marry again in the Church. Unless you seek an annulment and all of that. [...] The truth is that I have already married once, I liked it and my beliefs will remain the same even if I'm not allowed to marry by the Catholic faith. [Marriage] is like a commitment: "you'll be with me, supporting me and being there for me". That's what it's like for us. From the Catholic faith, that's what it's like. Yes, that's why we decided to get married.*

(María Rocío, 45, homosexual, mother from a previous heterosexual relationship)

In the following section we will specifically analyse the case of religion, which retains a special cultural significance in the Spanish context. It is important to stress that though the Spanish Catholic Church states that 92% of the population is baptized, according to the CIS 53.4% of Spanish people consider religion to be of little important in their lives and only 15% of Spanish Catholics regularly attend church services (CEE, 2012).

### **4.3 Religion**

The case of Camila, a lesbian mother aged 31 who married due to her Christian faith, is interesting because it reveals the series of contradictory relationships that an LGBT person with religious beliefs can experience. It also shows the strategies used to handle those relationships (De Stéfano & Pichardo, 2017). This kind of experience shows that LGBT persons who define themselves as Catholics find their desire to participate in a ritual in accordance with their religion coming into conflict with resistance or rejection by the religious community. However, there are also

loopholes in the system and strategies for finding religious communities, parishes, priests and laypersons who do not reject them from spiritual spaces on the grounds of their sexual orientation. As Camila says:

*I lived as part of a Christian group from the age of 10 to 24. And when I told them I had started to go out with my female partner, they kicked me out of the group. They told me that God didn't allow it. So, well, for me if a group of people tells me no, that doesn't mean I'm not a Christian anymore; I found another group and that's that. Now we're spending our lives in a Christian community in a parish in [name of congregation], the parish of [name of parish]. I've found an open community there. You'll find everything, there'll be people who like it or not, but I really don't care. We go to Mass together and there's no problem.*

As her experience indicates, the fact that a person defines themselves as lesbian, gay, bisexual or trans can lead to rejection from some institutions and not from others, but in no way does her status as a lesbian appear to be incompatible with her chosen beliefs. The diversity of positions within the Catholic Church and the variety of Christian communities is demonstrated, as Camila says, in its degree of openness in receiving LGBT persons as part of the faithful – but also in allowing them to have their children complete the rituals common to their parents' religion. When Camila and her spouse Mariana wanted to baptize their daughter in a parish in the Sierra de Madrid, the parish priest refused. However, in their new community they encountered not only the opportunity to baptize their first daughter but also an attitude that was supportive of their situation:

*They were the first to suggest that we should go to lots of churches to see what they said to us, although she's already baptized, because they wanted to come with us to criticize these churches that won't allow baptism.*

(Camila, 31, married, mother of two)

*In the [name of the parish to which they belong] community, a very funny priest said: 'Let them say no again! Find me the name of that priest, we'll make a complaint. He can't deny baptism to anybody'. And it was very funny, because when we signed the papers for the baptism I told him: 'well, I'll sign with my initials so there's no problem'. And he said to me: 'No, no, you sign as you always have done'.*

(Mariana, 55, lesbian, married, mother of two)

The strong symbolic power of rituals such as baptism is deeply rooted in Spanish cultural identity. It is not unusual to find families who insist on baptizing their youngest members even where those families are made up of LGBT people. Josean, a gay married man aged 49, describes the experience he had with his husband, his mother-in-law and their small child:

*We're not religious, my child is not baptized. This was a debate, because Juancho's mother, for example, kept saying: "why don't you baptize him?" The thing is that even if we wanted, they wouldn't baptize him. Because they're not going to agree to put two fathers on the birth certificate. And she said: "they will, I'll talk to the priest". And we said: "No, we're not going to baptize him".*

Though the child's grandmother did not ultimately win this minor dispute, the other grandmother found a strategy to ensure that her grandson would end up sharing the most everyday of Catholic rituals, prayer:

*My mother, for example, taught him to pray. So one day my mother goes and we find him praying. So Juancho gets mad (laughter). I don't mind.*

*- 'Juancho, she's his grandmother! She can do what she wants!'*

*- 'No, because I don't...and so on.'*

*So I talked to our boy about it:*

*- "Hey, why are you praying?"*

*- "Because granny told me you have to pray."*

*- "Yes, but if you don't believe, you don't have to pray."*

*- "I want to pray."*

*Well then, kid, pray! That's part of who we are, too. Then I rang my mum:*

*"Look mum, the things you do...!"*

Though Josean did not see the situation as especially serious, he does admit that his mother's unilateral decision to teach his son to pray did not sit well with his spouse, who considers that the Catholic religion is not a good influence on his son because of its homophobia. Reflecting on the religious interference that can happen within families, Josean recalls hearing of the case of a marriage between two women in which the grandparents baptized their grandson without telling the parents: "they went out one afternoon, talked to the priest, who was a friend, and the priest agreed and they baptized him".



It is interesting to note how a Catholic baptism can help to institutionalize a relationship created via assisted reproduction techniques. This is what happened in the case of a couple from Seville who had resorted to surrogacy to have their child. They decided to propose that the woman who had undergone the surrogate pregnancy be godmother at the baptism. The parents and the surrogate hence became “co-parents” (*compadres*) – a social construct occupying an important symbolic position in the south of Spain within the context of what has been described as “fictitious kinship”<sup>53</sup>.

Rituals in Spain are particularly influenced by Catholicism. Wakes, burials and funerals are ceremonies where friends, family, neighbours and work colleagues mix. For same-sex couples, this social event represents a time of tension if they have not come out to their range of family networks. They face a complex intersection where the death of a family member means they feel the need for support from their partners, but in the context of certain exclusively family situations they find themselves in the difficult situation of choosing between triggering visibility of their relationship among their family members or forgoing the aforementioned partner support. Claudia, a lesbian woman who has lived with her partner for five years, experienced this upon the death of her mother. Her partner Conchi had always been introduced as “a friend” and found herself not knowing where and when she should be by Claudia’s side during the wake and burial, since some moments are exclusively for close family members. When the ritual had ended, the closest family of the deceased – her children and their respective partners – all went to Claudia’s father’s house for a meal. This was a particularly difficult moment for Conchi, since the desire to accompany her partner conflicted with her lack of legitimacy to participate due to merely being recognized as Claudia’s “friend” rather than as “family”. In the end they both went to eat with the rest of the close family. Claudia reflects during her interview: “*if we had been married or everyone had known about our relationship, we wouldn’t have had that problem*”. Sometimes the normalization of LGBT couples creates comical situations, when people forget that there are sectors of political power such as the Church that do not

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<sup>53</sup> *Diario de Sevilla*, 27 June 2013

accept this kind of family. This type of situation exemplifies how naturally a large part of the population accepts LGBT couples.

*We even went to the City Council and told them we want to get married, and the girl said “civil or Church?” And she saw us and said “oh!” – you know, she didn’t do it out of malice – “oh! What a fool!” Well, obviously, we went for the civil route.*

(Matilde, 36, lesbian)

The first communion – the main rite of passage for entering the Catholic faith – takes place around the age of nine. Many LGBT parents, believers or otherwise, find that their children ask to receive their first communion as their classmates are also receiving it and it is a ritual involving elegant dress, being the centre of attention of friend and family networks, and receiving presents as well. Even though they are not believers, some parents decide not to prevent their children from participating in this ritual (which involves attendance at parish catechism classes) and therefore take part in the first communion. We did not encounter examples of this situation in our sample and hence could not analyse the situations of conflict that may arise from the presence of LGBT parents in parishes. However, we did interview a father who decided to hold a secular “first communion” without a religious ritual, instead inviting his son’s classmates to a party at a theme park and allowing his son to dress specially for the occasion. In other words, LGBT persons are creating rituals that fulfil a social function and depart from the traditional monopoly of the Catholic Church on this matter in Spain.

In addition to Christmas, a significant part of social life in Spain revolves around religious beliefs and traditions including saints’ days and local *fiestas* that generally focus on a certain Catholic saint or virgin and involve activities that are often overseen by the hierarchy of the Catholic Church or by religious entities such as brotherhoods (*hermandades/cofradías*). Rainbow families and their members may hence face exclusion from these important spaces for the daily lives of their communities if they do not participate in these religious acts, or – even worse – are not allowed to participate due to their sexual orientation or gender identity.

## **5. Parenting**

In Spain, it is not necessary to have children in order to be considered a family by the State: legally married couples are issued a document known as a “family book” (*“libro de familia”*). This document is also obtained if a single person or an unmarried couple have children. LGBT people have the same mechanisms for becoming parents as heterosexuals (coitus with a member of the opposite sex, assisted reproduction techniques, adoption and fostering). The difference is that for heterosexual people, the obvious route appears to be coitus with a partner of the opposite sex, while LGBT people have to consider how to have a child, since as they are in a relationship with another person of the same sex they will be biologically unable to conceive together. This is where a whole range of possibilities opens up, exposing LGBT couples to a series of decisions and forcing them to examine their approaches to maternity and paternity (Pichardo, 2009:223-224). Not all rainbow families are made up of two mothers/fathers with children. There is great diversity within the diversity, due to the vastly differing ways of accessing maternity or paternity and because there is a frequently invisibilized diversity among LGBT families: trans, homo-single-parent, mature, multi-ethnic and multi-racial, transnational, and so on (Sanz et al., 2013).

Despite this significant variety, there is a clear discourse among LGBT families focusing closely on the concept of “normality”, which they – and society – view as a key target for achieving recognition as good parents (Pichardo, De Stéfano & Martín-Chiappe, 2015:190-192). There is a sense that LGBT parents even have to be “better” than average parents.

This expectation is related with what is known in other contexts as “imposter syndrome” (Clance & Imes, 1978; Vela, 2017), which affects groups that occupy places not socially allocated to them. In the case that concerns us, these people are subject to close monitoring and heavy social pressure to be, and show that they are, “good mothers and fathers” by doing a good job of bringing up their children. However, non-heterosexual people can be as good or bad at parenting as everybody else.

*In the end it's the same thing that happened to us before, to me at least; I always felt like “despite” my sexual orientation I was a very good student,*

*very good daughter, very good worker, but always “despite”, right? You had to show more than others. I have this feeling in my family too.*

(María, 39, lesbian, mother)

In any case, in addition to the challenge involved in accessing parenthood, LGBT families face common hurdles such as religion (addressed in the previous section), school, lack of role models and visibilization of their kind of family, and finally the homophobia and transphobia that, though a minority, persists in Spanish society. These hurdles provide their children with tools and views that will mean a better understanding of discrimination and respect:

*The education that my daughters will receive is not going to be better. It doesn't have to be better. But as far as tolerance and respect are concerned, I'm sure they're going to receive something else that other families don't have.*

(Matilde, 36, lesbian, married, pregnant with twins)

### **5.1 Becoming parents**

The Spanish legal system allows LGBT people and same-sex couples to be parents in very different ways, many of which are represented in our sample. Both in general and in our sample, families with children who were born within the context of a previous heterosexual relationship are not experiencing serious difficulties in achieving social recognition, as children in this situation do still have a father and a mother. Rainbow families can expect the problems with divorce and separation that are common to any couple in this situation, and in this context sexual orientation can be used as an additional weapon against the LGBT family member, but this does not seem to be the case in our sample. Germán (36), for example, explains how not only his ex-wife and mother of his son, but also his family and friends accepted his new boyfriend:

*We have had Christmas dinners, birthday celebrations and other events when I have spent time with both partners. Even once I brought my male partner and all three of us met up: my female ex, my boyfriend and me at home with my family. And there has not been any tension. No problems at all.*

In other cases, sexual intercourse is also an option: Sofía is a bisexual trans woman and fell in love with another woman. After some years living together, they decided to become mothers and, although Sofía was undergoing hormone treatment and

their chances were not particularly high, they decided to try conceiving through sexual intercourse. It worked out well at the first attempt and Sofía's wife got pregnant. Their second child was born through artificial insemination, as Sofía had stored a sample of her sperm before her hormone treatment "*because you never know. Wait and see, you never know!*". Both children are therefore the biological children of both mothers. Sofía searched "desperately" for information and people in the same situation, only to discover that most trans people with children had become parents before their gender change and with a heterosexual partner.

Although there are no legal restrictions on same-sex couples adopting children, it is a long and expensive process and the prevailing wisdom is that it is more difficult for LGBT people to obtain approval to proceed with adoption: "*We also thought of adopting. I don't know now, but at that time it was just impossible for same-sex couples to jointly adopt. It would have to be first one partner doing a single adoption and then the second one doing a step-adoption. And you also need money to go through an adoption process*" (Matilde, 36, married, pregnant with twins). Josean adopted his son as a single person and then married his husband, who adopted Josean's son three years later: "*if your record reflects that you are gay or lesbian or any of the other options, you automatically have no chance to adopt in other countries*".

That is why many of our interviewees dismissed this possibility and focused on ARTs. For men, if they have the means, surrogacy offers a faster and easier route than adoption. Some interviewees also mentioned the possibility of fostering, but the temporary nature of this situation meant that most did not view it as attractive. Matilde agrees with the idea that ART is an easy approach if you are a woman and have the money: "*You choose an anonymous donor with similar features to your wife's, in order for the baby to somewhat resemble her, you pay the money and that's it*". When deciding who is going to be pregnant, age is usually an issue in addition to some other reasons. Matilde was the one who got pregnant in her relationship because she was keen to go through the pregnancy experience while her wife was frightened of all the pain involved in the process.

The “biological clock” is a constraint when deciding to become a parent. For some interviewees, especially women, their desire to become a mother is so strong that they would only chose a partner if she were committed to this objective. For example, Camila (31) told her partner Mariana (55) when they were beginning their relationship: *“if you want to be a mother, let’s carry on; if not, we’d better leave it here”*. The insemination process can be transformed into a ritual of coupling and commitment to the future children. Mariana would needle the hormones to Camila during their ART in order to “create a bond”.

With the public health system ART route denied to single women and same-sex couples until the last few years (and still denied today in some Spanish regions), social class and financial means become major obstacles to parenthood. Some interviewees conceive of going through an ART process as giving up the chance to buy a car or a house. As mentioned before, it is worth highlighting that some of the married lesbian women explained that they used the money they had received as wedding gifts to begin the ART process.

As surrogacy is illegal in Spain, many single and masculine same-sex couples for whom adoption is complicated face a financial barrier to becoming parents, especially in the USA, where the process can cost more than 120,000 euros. It is difficult to contract surrogates in other countries where this technique is cheaper, because it is only permitted for heterosexual married couples (India, for example). Money is always an issue. Sofía comments: *“we were very lucky that the sperm I had frozen worked out well. If not, we would have to begin to pay for donated sperm”*.

Diego used home insemination with a lesbian friend of his to became a parent. This is an option that has been used in Spain, although most women and some men do not consider it as it is not legal and the system hence creates legal uncertainty for both donor and parent(s).

The legalization of same-sex marriage has created a feeling of legal equality that is challenged by reality. The registration of a new-born is still fairly heteronormative in Spain and there are inequalities depending on whether the person registering is part of a heterosexual or a homosexual couple. *“As they told us we were equal, I never thought otherwise, you just have to go with your national identity card, your*

*yellow form and the family book. And my wife went to register our child with these documents (I had just delivered 24 hours earlier) as anyone would do, and it wasn't like that for us*" (Camila, 31). Camila told the story of how there was a father queuing in front of her wife Mariana who was able to register his child even without their family book, but when her turn arrived and because of being a same-sex couple, they were asked for a plethora of documents that are never demanded of heterosexual couples to register their children. These documents included an affidavit from the biological mother allowing her to be a mother and committing to be a good mother, certification from the ART clinic, certification of having been married at least for one year, certification of having used an authorized ART clinic, certification of having delivered in a clinic and not at home, certification from the clinic that provided the sperm, and the three documents asked of any heterosexual couple: yellow form, national identity card and family book. Camila and Mariana had never had any information about these requirements and had to obtain all the above-mentioned documents within 30 days after the baby's birth. Otherwise, even though they were married, Mariana would have had to adopt her wife's baby, a process that could have taken two years. As Camila (the biological mother) observes: "*what if something happened to me in these two years?*" For their second child, the couple prepared all the paperwork before the baby was born. Camila also complains that for their first baby, in 2011, the form said "mother" and "father" – but she points out that for their second baby, in 2013, the form said "parent a" and "parent b".

Matilde found a similar situation when she was getting married. The words "wife" and "husband" were used in all the forms the couple had to complete. Matilde says that she would always strike out "husband" and write "wife": "*they were just not ready for it*". These represent just some dynamics of non-recognition and visibilization that rainbow families have to confront.

## ***5.2 Visibility strategies***

Rainbow families are clear on the importance of education and visibility in order for society to progress in its acceptance of LGBT persons. They see themselves as agents effecting change via the normalization of their lives within the community.

*And if you don't make yourself visible, if you don't provide points of reference, other people won't come out of the woodwork and show themselves either.*

(Julia, 38, lesbian, cohabiting with her partner)

Openly being “a normal family, like the rest” makes them feel that by exposing themselves to society’s opinions, they and their family are performing an important task of social education. In a sense they are taking the weight of being an example, of being a *good family*, being good parents, having good children, and so on. This burden is not experienced by heterosexual families.

*We were striving for excellence. Because, of course, you have to show the world that everything is all right. We have to make a double effort to show everyone that we are a normal family. So it's doubly exhausting.*

(Camila, 31, lesbian mother)

There is an understanding of the importance of social education in the acceptance of diversity and the role of visibility in this process (sometimes when this visibility has become inevitable) and an assumption of a lifestyle associated with the previously mentioned model of normality.

*I think that normality starts at the moment you make it normal. If you live it as a taboo, like it's something wrong... I think it's very important to see the couple and what they do. For me, why wouldn't I kiss him if I feel like giving him a kiss? Because there's a lady here who might not like it? Well, I might not like her hairstyle. That visibility, here in Melilla, the truth is that we have never had problems.*

(Carlos, 43, gay, married)

As mentioned in the methodology section, interviews have been conducted with LGBT persons living in both cities and villages. However, a characteristic of many Spanish families whose fixed residence is in a large city is for them to have houses in their “home” villages, where part of the extended family also lives. This means that on many occasions relationships with the family of origin can be divided according to whether one is referring to the nuclear or extended family, but also on the basis of family members born and raised in urban or rural contexts. In fact, many interviewees told us that they have not yet come out as LGBT persons in rural contexts where they visit their extended family, whereas they have done so in urban contexts and with their nuclear families. The fear of “what they will say” is more



present in the smaller villages of Spain, where everyone knows the family history – even that of members who are living in the cities.

So there are context-dependent visibility strategies, which are implemented to manage visibility in order to handle relationships with the different family members on the basis of how one expects they may react. This management of visibility can also be observed in the case of immigrant LGBT persons whose families of origin are from outside Spain. We may recall that Spain is one of the countries that is most accepting of same-sex relationships, meaning that for the immigrants interviewed (born in Colombia and Venezuela) it represents an opportunity to live their sexuality with more freedom. A lesbian Venezuelan woman describes, for example, how some experiences are determined based on the context in which they occur:

*[I came to Spain] in 2002, twelve years ago. At that time I had a male partner and we had the idea of coming. Well, it was an escape. It was a really crazy idea. My life has been a little... – at that time [...] I really liked my best friend. Those feelings were very ... and this is really a closed issue in Venezuela. And I knew it wasn't just a friendship [...] but since it was all like that in Venezuela, we went out with boys anyway.*

(Denia, Collado Villalba, 32 non-carrying mother)

### **5.3 Transforming relationships with the families of origin**

Marriages represent a moment for visibility and repositioning the family situation. The marriage ceremony, the size of the party, the number and identity of guests, and whether the family takes part in the ceremony are moments of transition toward acceptance or bridges to cross (in the words of one interviewee) for family members. These transitions generally imply the family becoming closer and, above all, the normalization of the situation through the recognition of LGBT families. For the majority of respondents, the wedding represents a point of no return after which their relationship has to be accepted as one more in the family and there is no more room for ambiguity. There can no longer be references to “friends” to avoid direct recognition; the couple are legal spouses.

The presence of children – those who will be the grandchildren, nieces and nephews of the family of origin – unavoidably entails another fundamental change in the situation of the family with regard to its LGBT members. If there was a cordial silence until that time regarding the homosexuality and partners, the arrival of

children completely alters the status quo. Situations involving tension with family networks can arise when an LGBT person declares that they want to have a child. Laura, a 31-year-old lesbian woman, describes how her mother opposed her own desire to be a mother: *“she explained it by saying that there could be lots of homophobia and bullying, lots of problems with how the child would be treated just because of being the child of two women.”* Laura used her mother’s enjoyment of reading, offering her specialist literature regarding LGBT, homophobia and family diversity issues.

The issue of resistance from parents of LGBT people arose in various interviewees. Matilde, a young pregnant lesbian woman, talks about her father asking for some time to “process it”, since his education meant he found it a little harder to accept that his daughter was not heterosexual. The constraints of masculinity frequently recur in the stories of those interviewed. Along the same lines as the previously mentioned “what will they say”, Josean, a 49-year-old gay man, states that his father reacted by telling him: *“go as far away as possible so nobody who knows your mother and I will ever know; I will support you financially, but that’s all there is to it”*. It is interesting to note how Josean’s father told him he would continue to support him financially despite his shame and his request that his son leave. For men brought up in the hegemonic masculinity model (Connell, 1995), social pressure regarding their role as father, provider and head of the family plays a decisive role in their reactions. However, Eduardo – a 46-year-old gay man resident in a small village in the north of Spain – explains that things were different in the case of his father, partly due to his strategy of telling him last, which reduced the pressure to fulfil the role of masculinity within the family and with respect to the rest of society:

*One thing had a big influence. “Dad, you’re the last to know, everyone else knows. Don’t think that this is a bomb that’s going to explode around us. This already came out years ago and you’re the last to know”. When they see that you’re socially supported, that you don’t have any problems at work or with your friendship group, they relax. Because they see that you’re safe and also because they don’t have to take any decision, everything’s already done: they think “it doesn’t depend on me”, or they feel like “I don’t have to play any role”. Sometimes I think parents are expected to play the role of head of the family, of “I don’t consent and it’s*

*within my hands to stop this". They even sometimes see themselves as prisoners of that idea. "What is a father supposed to do? Swear, pound the table with their fist and say no, no, no?" When my dad suddenly saw that nothing depended on him, because everyone knew... I think that freed him up a little and he said "whatever will be will be, I can't do anything about it, except just watch and let it go".*

(Eduardo, 46, gay, married, wishes to become a father)

For more private couples, the arrival of children within the new family means immediate visibility that requires practical management. All interviewees prepared so that their new family and its difference from traditional stereotypes would not cause disadvantages for their children. In order to do so, they worked on their family relationships to ensure their new family was natural in the eyes of their children. Everyone needs to be aware that the couple will be the mother or father and the spouse, so the child has no doubts as to the stability of their nuclear family.

*We had been living together for a few years and first we told them that we were together, and it's an uncomfortable truth that if you hide it it's better, that while they don't know and you don't make a fuss (and we don't make much of a fuss), well, there it is. But of course, when we decided to have a child that was the bombshell.*

(María, 39, lesbian, mother)

Children are relatively quickly integrated by the rest of the extended family and their acceptance helps to encourage the acceptance of LGBT members by otherwise more reticent family members. Family support is activated toward minors in the form of advice and care, and the family relationship becomes closer. Although the news of parenthood may at first be disconcerting for the family of origin, as soon as children are present they are accepted without qualms.

*The truth is that it was a really hard time for me. After, when the child was born, things got smoother and bit by bit they realized that we are one more family, that we have the same problems as everyone, that the kid cried like all kids do, and we took care of him and got no sleep like all mums and dads.*

(María, 39, lesbian, mother)

But there is compensation on this point in the form of family support. Though LGBT persons may have had independence in their private lives, the arrival of

children makes other family members participants in their daily lives – especially grandparents, who worry about matters like health and education (Gross, 2004). Grandparents form an important part of the child’s education, even taking important decisions – such as baptizing children when the parents do not want it.

The presence of minors means greater visibility and integration of the rainbow family within the family of origin. Through grandparents, cousins and aunts and uncles, in addition to making the family visible, children have the effect of normalizing the family situation with respect to those more reactionary members as they show “very normal” families, in the words of one respondent. Children create a true family, a real life choice in the eyes of society, perhaps due to the similarity of this family to the traditional model.

*They also said marriage, because they came from families that were a little more conventional. So the fact of jumping through that hoop, I think it helped them in their families. Having had a baby, yes, they said they had noticed that the attitude had progressed more toward respect because of the simple fact of looking like a family, because there’s a baby now, so now it deserves stability and seriousness, respect, I don’t know, that’s what they said.*

(Laura, 31, homosexual, adoptive mother of a child carried by her partner)

## **6. Homophobia**

Respondents’ life narratives did not tend to include great detail on experiences of homophobic abuse. However, when asked directly it was rare to find someone who had not suffered abuse to a greater or lesser degree. Regardless of the intensity of that abuse, homophobia is present in the lives of LGBT persons whether through the constant threat of potential physical attacks, through verbal abuse in the form of insults, jokes or rumours, or through potential situations involving discrimination or invisibilization that may arise in any social interaction. Interviewees have incorporated the risk of this potential abuse as a reality in their everyday lives.

### **6.1 Experiences of abuse**

Trans women and lesbian women are exposed to a notably higher degree of abuse. For a lesbian couple, chauvinistic aggression is another element to face in addition to homophobic abuse. Fear of “corrective” rape becomes particularly prevalent in certain groups situated on the verge of social exclusion. This explains the

differences found in our sample with regard to public displays of affection between men and women: the women were more “discreet” than the men. Faced with certain groups, visibility is seen in the words of one respondent as a form of “death by honesty” (in Spanish, *sincericidio*), since it results in exposure to potential situations of violence:

*But in this case, in this conversation with them, I told them she’s my partner, because you’re sick of hiding it for fear that they’ll attack you, reject you or whatever. But I feel afraid, as if they’re going to do something to you, like “I’ll show you what a real man is”. Because when we told them, they – one in particular – started to ignore us, to turn the other way when they saw us. He was really nice, a guy with really good energy, a lovely smile, he always spoke really respectfully to us. But when it came out, he turned away from us. I was left afraid that he would grab us and do something... attack us for being lesbian, to re-educate you in some way, like a punishment, to put things in their proper place. And then there are some Roma below us, who are living in a flat, lots of different families have passed through. And we made friends – well, we had a relationship with one kid, really great, and he asked us “are you sisters?”, and we told him. And so the first one asked me what my family thought, and I said “it’s normal to them”. But he told his other cousins and then one day I was downstairs getting in the car and they started to insult us, talking in another language and laughing, and I got really angry and reacted, I told them to ...”*

(Julia, 38, lesbian, cohabiting with her partner).

Visibility is usually imposed for trans women. If they do not go unnoticed, passing as cisgender, they are quickly identified as different. They are hence constantly exposed to potential abuse: abusive references to their being “men” are the most common insult. For trans men, being treated as a “lesbian” weighs more heavily than other abuse.

*Masculine transsexuality is still unusual. It’s stupid because when they started to set up the first gender units, I hadn’t realized they existed. [...] But there aren’t so few of us and it’s no so strange. But I do understand that especially for people of my generation and the previous one, with the education you’ve had, well, it would have been more difficult for you. What the rest would say is what they used to call me: a lesbian piece of shit. That’s the name I’ve been called most in my life. The “lesbian” thing didn’t upset me. But the thing is that I don’t fit there. That’s not it. Yes, I liked women, but the thing is that I’m not a woman. Lesbians are women who like women.*

*I'm not that, I'm something else. Nobody gave you an explanation, a reason, stories.*

(Pablo, 49, trans man)

Alberta's status as a trans woman is clear and plays an important role in her personal relationships, unlike homosexual and bisexual people who are cisgender, only clearly different when they express feelings for a homosexual partner, and hence able to remain in the closet when in violent spaces. The constant threat of transphobia does not go away. Even in homosexual environments, a trans lesbian woman can experience rejection depending on her level of transition.

*I managed to find partners, but they had to be bisexual. They had to be girls who could see themselves as lesbians at that time, but who had been in a relationship with a man at some point in their lives. Because of vagina-centrism [coñocentrismo], a word I've just invented. I mean, genital sex is very important. So much so that if you don't have a vagina, you're useless for having a lesbian relationship with another woman. And that's what the lesbian community really can't understand. But then they say they're trans-feminists. They make out that they accept everyone and then you realize that they don't.*

(Alberta, 37, lesbian trans woman, married, children from her partner)

Ultimately, the experience of homophobia is incorporated into the learning process for LGBT people. As a result, they have a clear understanding of the importance of education and they take a lot of care over the education of their children. They fear that their children could suffer situations that they themselves have experienced at first hand. However, according to the testimonies we have collected in our research, this kind of abuse is infrequent and does not represent a major problem as the children mature; at least, no more than for any other family that does not conform to hegemonic tradition.

LGBT associations play a fundamental role in the face of persisting homophobia in society. They offer legal support, a source of information and a safe environment for many people who are in need of help. It is true that families offer great support, but associations still represent the first resource to which a large number of people turn. This is particularly the case for people who are for any reason lacking support networks in the form of their families of origin. Without mentioning their political work and actions to visibilize the community, our interviewees had very positive

views of LGBT associations, which appeared to have served as points of reference with regard to legal consultations.

## **6.2 Institutions and public services**

Most Spanish LGBT families have not suffered significant on-going situations of discrimination according to our fieldwork and other recent research conducted in Spain (Agustín, 2013; López Gaviño, 2014). This does not mean that LGBT families have achieved social equality, however, as there are still certain situations of discrimination that most heterosexual families do not have to face. We discuss some of these in the following paragraphs.

On occasions, homophobia can be institutional. An example of this is the discrimination suffered by lesbian women when opting for public healthcare and receiving artificial insemination treatment.

*That point isn't specified too well in the law. Denia had to do the work part, like the role of the father, I don't know how many days... And they didn't give them to her, or her boss didn't... he didn't care. So there's that bit of the law that they should clarify and fix. If there's same-sex marriage now, the law should say mother and mother or father and father. Not just mother and father. Because that's where they attacked us. So we had to be really careful with that. We're still waiting for the birth certificate, we're waiting. The kid has no nationality on either side. We're looking for loopholes in the law to see where we can get a foothold, waiting.*

(Victoria, 30, married, lesbian, carrying mother)

Any Spanish person is obliged to have a national identity card (DNI, according to its Spanish initials) from 14 years of age. Before this age, having a DNI is optional. It seems to be advisable for children with same-sex parents to obtain their DNI from the earliest possible moment: the document contains the names of both parents. This is the easiest way to prevent encountering situations of discrimination without having to carry the “family book” (*libro de familia*), which is a larger and more cumbersome document.

*Never in my life have I been asked to certify that my father is my father and my mother is my mother. But I have encountered this situation, for example, at the zoo. They were giving 100 PlayStations to the first 100 families to enter the facilities. When we arrived, they told us: “it is only for families”. I looked at my daughter, I was pregnant, and then at my wife and I said, “Sure, then it's for us, right?” And they said: “no, it's only for padres*

*[fathers and parents in Spanish] and hijos [sons and daughters in Spanish]”. And I said “Great, for madres [mothers] and hijos”. He was so embarrassed and told me: “no, no, it has to be mother and father”. And that’s when you have to take out your DNI and show them: “look, we are a family”.*

(Camila, 31, married, mother of two)

Camila and other interviewees described similar situations in the gym (with special discounts for “families”) or in hotels (when requesting one double bed instead of two beds) where they have had to insist on or prove their family status using supporting documentation, unlike a heterosexual family in the same situation.

Travelling with children is also a very important concern. LGBT families will avoid countries such as Russia, Arab countries or even some European countries (Poland) rather than travelling there with their children. But Josean travelled through Italy with his husband and son and had no problem. This has an impact when considering migration for work reasons.

*In terms of the employment market, my wife is working now. We can stay here. In the future? We would have to consider it. If we had to migrate to France, the way things are in France now, we wouldn’t migrate to France, we would go to Canada or to countries where you know... [...] I feel fortunate, everything has gone well so far, being a lesbian has not been a problem. [...] If we had to leave, it would be very important for us to consider not only the language, but also how our children and us would be accepted.*

(Camila, 31, married, mother of two)

In this sense, LGBT people have limited opportunities to win promotion at work if it would imply moving to a country that does not recognize their marriage or filiation rights because they are in a same-sex relationship. Even within Europe, where every citizen has the notional right to freedom of work and movement, this is not fully applicable for rainbow families.

Although only a small minority of the Spanish population is openly homophobic or transphobic, when an LGBT person uses a public or private service or buys anything, they do not know if the person they encounter will be part of that small minority. In other words, they do not know if they may face an unpleasant situation that anyone would try to avoid – especially if one’s children were present to witness it. If a homophobic situation does occur, it can sometimes be difficult to identify



the underlying homophobia; even worse, it may be difficult to prove that homophobia before the authorities.

### **6.3 Education**

School and education features as a major issue among LGBT parents, as there is a fear that their sexual orientation could lead to their children facing discrimination in educational settings. For Sofía, who has been in a relationship with another woman for 16 years and is very open about her identity as a trans bisexual woman, school is one of the last frontiers for her visibility.

*There has been no problem at school. But it is true that I put off going to the school because I think that my visibility could mean someone might say something that would have an impact on my children. I cannot avoid that fear, I recognize it, but I am not reckless and I take lots of precautions. Because I don't want my children to suffer.*

(Sofía, 51, trans, mother)

Again, families have to face a presumption of heteronormativity and the novelty of LGBT families creates some situations of surprise in kindergarten and schools, which are usually quickly overcome. As a matter of fact, the presence of these families creates an opportunity to change things towards more egalitarian practices: “At kindergarten the kids were always asked to prepare sexist gifts and since we have been there, they've stopped doing it” (Camila, 31).

The opinion shared by practically all interviewees is that education on diversity is vital for their own wellbeing and that of society as a whole. They consider it to be important for their children, families and society to learn to live with people from different families, origins and bodies. Though insecurity over the upbringing of children is common to all parents, LGBT parents describe the added insecurity of burdening their children with a non-normative family. The children carry the fear of stigma of having LGBT parents in a homophobic society. However, they are aware that all families are diverse and that families who have undergone divorce, who have different origins or who have disabled members face the same difficulties. The children of a family with a disabled member also face the stereotypes that society imposes. LGBT families hence attempt to incorporate a positive perception of diversity in general.

*But well, everyone can be questioned for one reason or another, everyone can face pressure for one reason or another, so I think they have to face it like everyone else faces the risk of exclusion or discrimination at some point, for being tall, for being fat, for being small, for being Catholic, Muslim, black, for stuttering, or for whatever, right? So you have to learn to deal with a society that's sometimes hostile.*

(Sofía 51, trans, mother)

As a matter of fact, most LGBT families will look for a school with a broad diversity of families. As private education is usually managed by Catholic institutions in Spain, most people would prefer a State-run school. In fact, according to research conducted by Renovell (2017), public education centres show significant better attitudes in terms of respect for sexual diversity than private ones. However, this has not been the case for Josean. His son attends a private school with an ample diversity of families:

At school there are several female couples and one male couple with adopted children. In some cases they have biological children. So it's a school in which the difference is very well embraced. I do not even think the traditional family is the majority there. There are many divorced parents... So there is the case that some of them have two fathers and two mothers, not because they are gay or lesbian, but because they have a biological father and a step-father, or a biological mother and step-mother. So it's been very easy.

If an absence of role models represents a generalized concern among rainbow families, there is concern over the heterosexist family models presented in schools and textbooks. The majority of publishers actually belong to religious groups and even where this is not the case publishers also want their books to be used in private or religious education centres, where approximately 30% of pupils study (academic year 2013-14).

Concern over the type of family model that is being transmitted in education centres or over the risk of facing homophobic or transphobic comments, practices and attitudes causes many LGBT parents to take a highly active role in school life. This may be in the form of membership of parent and family associations or in the assumption of positions on the school board. These families are also especially active in terms of extracurricular activities or when schools have open days. One of

the parents in our sample has participated in classroom activities by explaining the composition and day-to-day life of their family, along with other types of family structures.

Though parents maintain a significant presence in schools at infant and primary levels, as their children move to secondary school the opportunities for parental participation in school life become more limited. Parents therefore lose a degree of control over what can happen at their children's schools with respect to how family diversity is treated. Children acquire greater independence and it is they who will decide, for example, whether to come out as members of a same-sex-parent family – and when and with whom to do so.

Sofía, 51, comments that as her children grow up, they are becoming aware of the transphobia that exists in society: “Last summer I felt for the first time that my kid, at 10 years old, was feeling some embarrassment because of my presence in a group”. But she considers that they are giving their children the means to face any situation in which they may be attacked or excluded because of their parents.

*I panic thinking that at a given time my children could use my [trans] identity against me. It's a nightmare. Because that would hurt me so much, I don't know how I could manage it. But it's just a fear. I have had other fears before, and they haven't come true. We have overcome them. So, I'll do the same with this one: we will face it. My fears are always worse than reality.*

#### **6.4 Urban vs rural / Migration**

Some respondents have the perception that the inhabitants of the large cities are more tolerant or respectful due to the greater range of lifestyles and visibility of LGBT people. There are repeated references to major cities such as Madrid or Barcelona as benchmarks for tolerance, while the view is that there is less tolerance in other provinces. It may be that public displays of affection among LGBT people attract less attention among certain populations. But according to the experience of our respondents, acceptance is more closely related with prior integration within a community. People who were highly integrated and appreciated within a community before coming out retain this support to a large extent when they do show their LGBT status.

*We haven't encountered differences with people. They already knew me. They knew I took perfect care of my kids, that I watched them closely. And if there was any problem, especially with the older one who has diabetes, he had lots of problems. You had to watch him closely because his sugar levels would fall and you'd have to be taking him to the doctor. And well, there was no difference.*

(María Rocío, 45, homosexual, mother from a previous heterosexual relationship)

As mentioned, the fact that a community is already aware of a person's sexual orientation can help them to live in a natural and open manner, since it means that everyone "knows" and there is no feeling of constantly coming out in every new space. Having "definitively" revealed one's sexual orientation in a rural environment produces a feeling of having completed this process once and for all – in the workplace, community and family – since the proximity of these spheres facilitates communication among them. The whole world already knows, so there is no need to tell anybody else or to hide anything.

*I always had a fairly solid circle of friends and that sheltered me. And so then, when I was sure of myself at around 21 and financially independent, I had a very solid circle of friends, my family was pretty solid, I opened up and I can really say that 99% of the people around me reacted very positively, gave me lots of security and understanding, acceptance and normality. It's very surprising; I don't know why, but that's how it was. And that gave me a lot of security. The first person I told that I was gay, when I was 18, reacted really well, and that gave me security. If they'd reacted badly, I would have closed myself off. But instead I slowly opened up and my friends, and my friends' parents... Look, I move in a conventional social environment, right-wing, you know, bourgeois people. Hey, the reaction was very good. And my friends' parents didn't make a big thing of it, or at least that's how they made me feel. My relationship didn't change at all with anyone.*

(Eduardo, 46, gay, married, wishes to become a father)

In the largest cities, in contrast, each space contains new people who are not linked to the other areas of one's life. Workmates, family and the neighbourhood do not necessarily enter into contact with each other and represent different worlds, meaning it is necessary to face coming out independently in each context. There is the added difficulty that the opinion of each community does not start from the point of a shared experience of knowing the person before prejudice can affect the

situation. Essentially, in small communities one knows the person first and their sexual orientation later. But one may know the sexual orientation or gender identity first in large communities, with the attendant prejudice, and only later get to know the person.

People of foreign origin – mainly Latin Americans – describe a direct correlation between the tolerance of Spanish society and their migration to Spain. This perception goes beyond the provisions of law, albeit that these are highly valued due to their normalizing impact. The open attitudes of society are particularly appreciated. The opportunity to lead a full, recognized and normalized LGBT family life involving integration within society leads LGBT immigrants to choose to live in Spain rather than in their own countries. The majority of respondents are from large or semi-large families: these are the family models that they know and that they seek to reproduce. Spanish society offers this opportunity to integrate its LGBT members as valid members of society, together with all social diversity.

Though homophobic abuse continues to happen in Spain, the predominant feeling is one of tolerance and acceptance among the majority of the population. In comparison with other more homophobic countries, prejudice and attacks in Spain appear to be less significant and intense. The sense of homophobic threat that exists in other countries is tending to vanish and at the same time there is a chance to form families. Tolerance and social respect crosses borders when members of the family of origin visit Spain and witness the acceptance with which their children and/or siblings are treated and the quality of life to which they can aspire in terms of their emotional and social needs.

*When her father came, Alberta was already dressing as a girl and she was walking ahead of us and he told me: “Look how she dresses, look at the state of her. How can she go around like that when she’s a boy? She’s wearing a miniskirt and tights...” He didn’t like it. He thought people would be scandalized. But although people looked at her, they weren’t scandalized. They didn’t have a go at her or attack her or anything. It was like: that’s how it is. You have to calm down and accept it. So at the wedding he was one more. He saw how my aunts, my cousins, my friends and my friends’ parents treated her as a girl, with her female name, and there was no problem. She was totally accepted. He couldn’t deal with it and had a tough time: “how can this be?” He ended up accepting it, that everyone*

*here called her Alberta and just because he called her Antonio it wouldn't change the situation.*

(María Rocío, 45, homosexual, mother from a previous heterosexual relationship)

Josean (49) explains his experiences of travelling to other countries with his family and the feeling he has when he returns to Spain: *“Here in Spain I feel more protected. Here I feel more sheltered. I prefer to think that being with a child here we are less vulnerable to being attacked. I'm telling you frankly what I think now.”*

Legal reforms have played a crucial role in spreading this feeling, as seen in the following section.

## **7. The Law as a statement of equality**

The LGBT community in Spain has witnessed legal and social changes with direct impacts on their daily lives and wellbeing. Legal advances in terms of equality have included same-sex marriage and the legal recognition of gender identity for trans people, and have produced a landscape in which LGBT people are recognized as citizens with full rights (Calvo & Pichardo, 2011; Calvo & Trujillo, 2011).

Legal changes inevitably influence social perceptions of sexual, family and gender diversity, but in spite of the view that tends to be held of the Spanish case, Spanish society has been moving ahead of these laws. One year prior to the approval of same-sex marriage in 2005, the CIS was already recording that 66% of Spain's population was in favour of this legal recognition. Laws only change when society is ready for it (2004). Daniel Borrillo argues that countries such as Spain that have suffered dictatorships and the imposition of extremely conservative ideologies have undergone a 180-degree shift and developed an anti-conservative spirit that has enabled them to question models and consider more modern and diverse forms of society.

Owing to the various progressive laws approved by the Spanish parliament during the 2004-2007 legislative term, Spanish society became a world leader in terms of legal provisions relating to the LGBT community. Same-sex couples and, later, same-sex marriages began to be integrated within the fabric of society and today, more than a decade after the latter legal change, the majority of the population is entirely unsurprised by two men or two women marrying. What is more, for young Spanish people it is the norm to expect that anybody (homosexual or otherwise) can

marry, since this is the reality they have experienced for most of their lives. At the same time, marriage has indeed meant social recognition for LGBT people who marry and have children: “*Since you’re married, people’s perception is that now everything is formal, because homosexuality is closely linked to promiscuity. So if you’re married, everyone thinks: ‘oh, okay, everything’s fine’.*” (Camila, 31)

However, what most Spanish-resident LGBT people are experiencing is that legal equality does not necessarily mean social equality. In fact, there is a sense of equality that sometimes does not fit with reality. An example would be the registration of a new-born child, as examined previously.

In this context, many people see LGBT associations as a source of information either before marrying or becoming parents or, more commonly, when encountering a particular situation in which they feel lost or subject to discrimination. Matilde is not a regular participant in LGBT networks, though she sometimes attends activities organized by the local LGBT association and meets up with other LGBT people and families. However, she has not established specific links with these groups. Matilde has not needed these associations in her life because she has been able to use the Internet to connect with other people in the same situation.

LGBT people have learnt to fight for their rights. Matilde, for example, applied to use ART through the public healthcare system in her town in the north of Spain. When her demand was refused after 11 months of waiting (in 2013) on the grounds that she was not infertile, Matilde wrote to the Spanish Ombudsman arguing that this represented discrimination in comparison with heterosexual couples. She reviewed and cited several pieces of legislation in preparing her argument. Matilde knew this process would take time, so she and her partner decided to use ART via a public-private route and she has now given birth to two children through artificial insemination (at a total cost of 7,000 euros).

*You get married to have the same rights as in any heterosexual marriage and it’s not true. You don’t have the same rights. Am I fertile? Yes, but I cannot get pregnant with my spouse: something has to be done. In a heterosexual marriage, if a woman cannot get pregnant with her spouse, the public health system looks for a sperm donor.*

(Matilde, 36, married, pregnant with twins)

Another lesbian couple brought a case before the courts of Madrid court for being refused assistance in a public hospital. On October 2015, the court ruled that there had indeed been discrimination and ordered the Community of Madrid to offer this service<sup>54</sup>. Days later, the President of the Community of Madrid announced that single women and female same-sex couples would have free and equal access to ART via Madrid's public healthcare system.

Matilde fears that her children may suffer some kind of discrimination, but ultimately says: *"I hope that they will have no problem, that things will work out well in this sense"*. And she reaffirms that social and legal changes have meant she will not face discrimination in terms of public policy when her children are born. Maternity leave will be available to both parents on the same conditions as if they were a heterosexual couple, and the State will provide the same level of support, whether in terms of finance, tax relief or any other legal benefit.

## **8. Conclusion**

Spanish society has evolved hugely over recent years. This is undoubtedly due to a complex process involving various factors that have made possible the legal and political changes required to progressively destigmatize the LGBT community and its legal recognition. Family is an institution that has been heavily involved in this change. The strength of the parental bond and the choices of mothers, parents, siblings, aunts, uncles and others who have kept their LGBT members within the family have played an important role in developing respect for homosexual, bisexual and trans people. Feeling that their learned family models are achievable in their own lives, members of the LGBT community have reproduced them by marrying and having children to create families in a way similar to other families, but also with their own specificities. Homophobia and transphobia remain present in Spanish society and this is a challenge – or even a threat – that any LGBT person or family has to cope with.

In any event, the legal and social advances described in this document were once a dream for some people who never thought they could gain acceptance given their affective and sexual needs. Younger people may take for granted that they have the

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<sup>54</sup> [http://cadenaser.com/ser/2015/10/04/sociedad/1443978129\\_623470.html](http://cadenaser.com/ser/2015/10/04/sociedad/1443978129_623470.html)



same rights as any other citizen, but older members of the LGBT community view being able to create a family in a society that respects them as a spectacular achievement of Spanish society, and one that has allowed them to lead happier lives.

*The truth is that I had never thought I would have a family; it seemed almost unattainable to have a partner, so imagine having a family!*

(Sofía, 51, trans, mother)

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## 10. List of respondents

Spain					
Pseudonym	Sex	Age	Couple Status	Parental Status	Geography
Matilde	Female	36	Married	Pregnant, ART, twins	City (Logroño)
Laura	Female	31	Cohabitation	Adoptive mother of a child carried by her partner	Capital (Madrid)
María	Female	39	Married	1 child, pregnant with another, both ART	City (Santander)
Eduardo	Male	46	Married	No children	Town (Santoña)
Sofía	Trans Female	51	Cohabitation	2 children, intercourse and ART	City (Valladolid)
Carlos	Male	43	Married	No children	City (Melilla)
Julia	Female	38	Cohabitation	No children	Capital (Madrid)
Camila	Female	31	Married	2 children, ART	Capital (Madrid)
Martina	Female	41	Cohabitation, plans of marriage	1 child, ART	Capital (Madrid)
Bea	Female	28	LAT	No children	Capital (Madrid)
Mariana	Female	55	Married	2 children, ART	Capital (Madrid)
Raúl	Male	23	LAT	No children	Capital (Madrid)
Diego	Male	50	Cohabitation	1 child, 'homemade' with a lesbian friend	Capital (Madrid)
Mario	Male	58	Married	No children	Capital (Madrid)
César	Male	30	LAT	No children	Capital (Madrid)
Denia	Female	32	Cohabitation, plans of marriage	1 child, partner had heterosexual intercourse with a stranger	Capital (Madrid)
Victoria	Female	30		1 child, heterosexual intercourse with a stranger	
Estela	Female	45	Married	2 children, previous heterosexual relationship	City (León)
Germán	Male	36	Single	1 child, previous heterosexual relationship	City (Sevilla)
Alberta	Trans Female	37	Married	No children	Capital (Madrid)
María Rocío	Female	45		2 children, previous heterosexual relationship	City (Valladolid)
Josean	Male	49	Married	1 child, adoption	Capital (Madrid)
Pablo	Trans Male	49	Single	No children	Capital (Madrid)